

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Petition No. 1592

Santa Fuel, Inc., Petition for a Declaratory  
Ruling, Pursuant to Connecticut General Statutes  
§4-176 and §16-50k, for the Proposed Construction,  
Maintenance and Operation of a 3.85-megawatt AC  
Solar-photovoltaic Electric Generating Facility  
Located at 159 South Road, Somers, Connecticut, and  
Associated Electrical Interconnection.

Zoom Remote Council Meeting (Teleconference),  
on Thursday, January 11, 2024, 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           **DANIEL P. LYNCH, JR.**

12           **ROBERT SILVESTRI**

13           **DR. THOMAS NEAR**

14  
15   **Council Staff:**

16           **MELANIE BACHMAN, ESQ.,**

17           **Executive Director and Staff Attorney**

18  
19           **ROBERT MERCIER,**

20           **Siting Analyst**

21  
22           **LISA FONTAINE,**

23           **Fiscal Administrative Officer**

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

2    **For SANTA FUEL, INC.:**

3            **J.R. RUSSO & ASSOCIATES, LLC**

4            **P.O. Box 938**

5            **East Windsor, Connecticut 06088**

6            **By:   TIMOTHY COON, P.E.**

7                    **Principal Engineer**

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1 (Begin: 2 p.m.)

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3 THE HEARING OFFICER: Good afternoon, ladies and  
4 gentlemen. Can everyone hear me okay? Very good.  
5 Thank you. This public hearing is called to order  
6 this Thursday, January 11, 2024 at 2 p.m. My name  
7 is John Morissette, member and presiding officer  
8 of the Connecticut Siting Council.

9 Other members of the council are Brian  
10 Golembiewski, designee for Commissioner Katie  
11 Dykes of the Department of Energy and  
12 Environmental Protection; Quat Nguyen, designee  
13 for Chairman Marissa Paslick-Gillett of the Public  
14 Utilities Regulatory Authority; we have Daniel P.  
15 Lynch, Jr.; Robert Silvestri; and Dr. Thomas Near.

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

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

23 This hearing is held pursuant to the  
24 provisions of Title 16 of the Connecticut General  
25 Statutes, and of the Uniform Administrative

1 Procedure Act upon a petition from Santa Fuel,  
2 Inc., for a declaratory ruling pursuant to  
3 Connecticut General Statutes Section 4-176 and  
4 Section 16-50k for the proposed construction,  
5 maintenance, and operation of a 3.85 megawatt AC  
6 solar-photovoltaic electric generating facility  
7 located at 159 South Road in Summers, Connecticut,  
8 and the associated electrical interconnection.

9 This petition was received by the Council on  
10 September 19, 2023. The Council's legal notice of  
11 the date and time of this public hearing was  
12 published in the Journal Inquirer on December 11,  
13 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, public  
18 hearing date, and contact information for the  
19 Council, including the website and phone number.

20 As a reminder to all, off-the-record  
21 communication with a member of the Council or a  
22 member of the Council's staff upon the merits of  
23 this petition is prohibited by law. The party in  
24 the proceeding are as follows; Petitioner, Santa  
25 Fuel, Inc. Its representative is Timothy Coon,

1 PE, of J.R. Russo & Associates, LLC.

2 We will proceed in accordance with the  
3 prepared agenda, a copy of which is available on  
4 the Council's Petition Number 1592 webpage, along  
5 with a record of this matter, the public hearing  
6 notice, instructions for public access to this  
7 remote public hearing, and the Council's citizens'  
8 guide to Siting Council's procedures.

9 Interested persons may join any session of  
10 this public hearing to listen, but no public  
11 comments will be received during the 2 p.m.  
12 Evidentiary session.

13 At the end of the evidentiary session, we  
14 will recess until 6:30 p.m., for the public  
15 comment session. Please be advised that any  
16 person may be removed from the evidentiary session  
17 or the public comment session at the discretion of  
18 the Council. The 6:30 p.m. public comment session  
19 will be reserved for members of the public who  
20 have signed up in advance to make brief statements  
21 into the record.

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

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

9 A verbatim transcript of this Public Hearing  
10 will be posted on the Council's Petition Number  
11 1592 webpage and deposited with the Somers Town  
12 Clerk's Office for the convenience of the public.

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

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

22 We'll now move on to administrative notices  
23 taken by the Council. I wish to call your  
24 attention to those items shown on the hearing  
25 program marked as Roman numerals 1B, items 1

1 through 100.

2 Does the Petitioner have an objection to  
3 these, any objection to these items that the  
4 Council has administratively noticed?

5 Good afternoon, Mr. Coon.

6 Do you have any objection?

7 TIMOTHY COON: Good afternoon, Mr. Morissette.

8 No, no objections.

9 THE HEARING OFFICER: Very good. Thank you.

10 Accordingly, the Council hereby  
11 administratively notices these existing documents.

12 We'll now move on to the appearance by the  
13 Petitioner. Will the Petitioner present its  
14 witness panel for the purposes of taking the oath,  
15 and we'll have Attorney Bachman administer the  
16 oath? Mr. Coon?

17 TIMOTHY COON: Yes, good afternoon again. Our witness  
18 list consists of myself, Timothy Coon, the  
19 Principal Civil Engineer at J.R. Russo &  
20 Associates; along with Andrew Keller, Project  
21 Developer from Santa Fuel, Inc.: and Martin Mija,  
22 Director of Engineering at Louth Callan  
23 Renewables.

24 THE HEARING OFFICER: Thank you, Mr. Coon.

25 Attorney Bachman, please administer the oath.



1 MS. BACHMAN: Thank you, Mr. Morissette. Could the  
2 witnesses please raise their right hand.

3 T I M O T H Y C O O N,  
4 A N D R E W K E L L E R,  
5 M A R T I N M I J A,

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

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

11 Andrew Keller, Martin Mija, and Timothy Coon,  
12 you have offered the exhibits listed under the  
13 hearing program as Roman numerals 2B, 1 through 3  
14 for identification purposes. Is there any  
15 objection to making these exhibits for  
16 identification purpose only at this time?

17 THE WITNESS (Coon): No objections.

18 THE HEARING OFFICER: Thank you. Andrew Keller, Martin  
19 Mija?

20 THE WITNESS (Keller): No objections.

21 THE HEARING OFFICER: Timothy Coon, did you prepare or  
22 assist in the preparation of Exhibits 2B, 1  
23 through 3?

24 THE WITNESS (Coon): Yes.

25 THE HEARING OFFICER: Mr. Keller?

1 THE WITNESS (Keller): Yes.

2 THE HEARING OFFICER: Mr. Mija?

3 THE WITNESS (Mija): Yes.

4 THE HEARING OFFICER: Very good. Thank you. Do you  
5 have any additions, clarifications, deletions, or  
6 modifications to those documents?

7 THE WITNESS (Coon): Not at this time.

8 THE WITNESS (Keller): No, sir.

9 THE WITNESS (Mija): Not at this time.

10 THE HEARING OFFICER: Thank you. Are these exhibits  
11 true and accurate to the best of your knowledge?

12 THE WITNESS (Coon): Yes.

13 THE WITNESS (Keller): Yes.

14 THE WITNESS (Mija): Yes.

15 THE HEARING OFFICER: And do you offer these exhibits  
16 as your testimony here today?

17 THE WITNESS (Coon): Yes.

18 THE WITNESS (Keller): Yes.

19 THE WITNESS (Mija): Yes.

20 THE HEARING OFFICER: Thank you. The exhibits are  
21 hereby admitted. We will now begin with  
22 cross-examination of the Petitioner by the  
23 Council, starting with Mr. Mercier, followed by  
24 Mr. Silvestri.

25 Mr. Mercier, good afternoon.

1 MR. MERCIER: Good afternoon. Thank you. I'm going to  
2 begin by looking at the site plans that were  
3 included with the petition. On the Council's  
4 website, these are near the top of the page, right  
5 under the petition filing -- for those following  
6 along on the webpage.

7 I'm going to proceed to site plan number  
8 five, sheet five, the detail sheet of the northern  
9 part of the facility.

10 I have a question regarding the stormwater  
11 basin in the bottom portion of the plan. There's  
12 a pipe coming out of the west end. It seems to  
13 extend quite a ways past the basin. I don't  
14 understand why the pipe has to extend as far as it  
15 does -- rather than just have a simple outlet  
16 close to the basin so it could drain to the  
17 wetland to the south, or right on the picture.

18 THE WITNESS (Coon): I'll handle that one. Tim Coon  
19 with J.R. Russo.

20 Yeah, that is the principal outlet to the  
21 basin. And one reason it goes so long is to get  
22 down to the elevation that we need in order to  
23 provide a positive pitch in that pipe, and we had  
24 to extend it that far to the east to reach that  
25 elevation while still maintaining the 50-foot

1           buffer to the wetland.

2           If we had gone directly down to the wetland  
3           from there, we would have extended into that  
4           50-foot buffer, which is a non-disturb buffer  
5           requirement of the stormwater permit.

6   MR. MERCIER:   Okay.  Thank you.  Regarding the basin  
7           itself, I see it's an infiltration basin.

8           Is that correct?

9   THE WITNESS (Coon):  Yes.

10   MR. MERCIER:  Okay, and there's a stone trench on the  
11           bottom.  Is that correct?

12   THE WITNESS (Coon):  Yes.

13   MR. MERCIER:  Okay.  So what's the function of the  
14           stone trench?  Is it just to facilitate drainage  
15           through that portion of the basin?

16   THE WITNESS (Coon):  It is.  Tim Coon, again.  It is to  
17           facilitate drainage and especially during the  
18           winter months when the ground might be frozen.

19           So if -- if the ground is frozen, that that  
20           stone extends down hopefully below frost layer in  
21           order to facilitate that basin to drain during the  
22           frozen situation.

23   MR. MERCIER:  Given the proximity to the wetland, is it  
24           anticipated that in springtime the basin would  
25           fill with water and not drain?  Or is the soil

1 permeable enough to drain to a sufficient depth?

2 THE WITNESS (Coon): Yeah. Tim Coon again. The  
3 wetland is at an elevation lower than the bottom  
4 of the basin. We do anticipate that that wetland  
5 is the actual groundwater surface, but we also did  
6 some test pits in the location of the basin and  
7 were able to verify where the seasonal high water  
8 table was actually in the bottom of our basin  
9 through that, that process.

10 And the bottom of our basin is above what the  
11 seasonal -- the seasonal high water table gets to.

12 MR. MERCIER: Okay. Thank you. I see there's a large  
13 tree to the left side of the basin. What's the  
14 significance of that tree, and why is it being  
15 protected?

16 THE WITNESS (Coon): That tree is about a six-foot  
17 diameter oak tree, which is absolutely gorgeous.  
18 So we decided it would be in our best interests  
19 to -- to try to retain that tree.

20 MR. MERCIER: Okay. Thank you. Give me a minute,  
21 please. Thank you.

22 Going back to the outlet of this basin, was  
23 an outlet considered over to the right side of the  
24 basin, like between the two wetlands? Or is the  
25 location you chose have a lesser slope?

1           It seems like if you place it over that way,  
2           it could either drain to the right or the left  
3           into either wetland.

4 **THE WITNESS (Coon):** It -- again, the intent -- Tim  
5           Coon again. Sorry -- was to provide an outlet  
6           while staying outside of the 50-foot wetland  
7           buffer, and really the -- the location where we're  
8           showing it is the best location for that, even if  
9           we go in between the two pond areas further to the  
10          south.

11           There's a little high point there, so we  
12          would have to outlet much closer to the wetland  
13          if -- if we moved our outlet pipe over there.

14 **MR. MERCIER:** Okay. Thank you. On the far right in  
15          the bottom it says, existing driveway to be used  
16          as construction entrance. Is that still the plan  
17          when you construct the site?

18 **THE WITNESS (Coon):** Tim Coon. Yes, initially we do  
19          anticipate on using that in order to get access  
20          back to this field area.

21           Ultimately, we will construct the new access  
22          driveway, which is on the next page that comes off  
23          of South Road, and at that point in time, it will  
24          probably get switched. We'll make that a  
25          construction entrance as well.

1 MR. MERCIER: I'll move to the next sheet, sheet six,  
2 as you just mentioned. And I'm looking at the,  
3 you know, where the basin is going to be and the  
4 proposed access drive. And there's quite a bit of  
5 grading in this area adjacent to the residents to  
6 the south, this 187 South Road. And there's also  
7 grading right along Route 83, or South Road for  
8 that matter.

9 Was there any consideration as to using the  
10 existing driveway that you'll be using for  
11 construction as the permanent road? You know,  
12 why? Why construct a whole new road here with all  
13 the successive grading, rather than just using the  
14 existing road?

15 THE WITNESS (Coon): Tim Coon. I -- I'll take a stab  
16 at that one. I believe that the main reason for  
17 the location of the driveway where it is, is  
18 because our interconnection point is actually  
19 further to the south down at Mountain View.

20 If you zoom out -- yeah, you can see that  
21 we're connecting to the existing lines that run  
22 along Mountain View to the south, and we will have  
23 to bring the power up into our site with a series  
24 of poles.

25 And this was a shorter distance rather than

1 carrying it all the way down to that other  
2 entrance at the north end, because we will have to  
3 bring -- we have to provide the poles for the  
4 utility company and an access driveway so they can  
5 maintain that as well. So this seemed like the --  
6 the suitable place to provide that entrance.

7 **THE WITNESS (Keller):** If I may? Andrew Keller, Santa  
8 Fuel. I would agree with what Tim had shared with  
9 the Council on that point, as -- as well as the --  
10 the existing driveway as a driveway to the home  
11 that's nearest the array, which is a part of the  
12 family.

13 So part of the request was to have a separate  
14 access for our solar facility. So not to have it,  
15 you know, especially during construction going up  
16 his driveway past his house. So I just want to  
17 add that one extra bit of detail for the record.

18 Thank you.

19 **MR. MERCIER:** Yes, I was referring to the other access  
20 farther on the northern portion of the property  
21 and not between the barn and the house at the  
22 residence.

23 In any case, when you build the  
24 interconnection, do you actually need road access  
25 once it's completed? Do personnel have to drive



1 up and go to the poles for any reason? Or could  
2 that just be accomplished through a utility  
3 corridor rather than having a road next to it?

4 **THE WITNESS (Coon):** In my experience -- Tim Coon  
5 again -- Eversource does require an actual gravel  
6 access road to access all their poles.

7 **MR. MERCIER:** Okay. Thank you. You mentioned the  
8 interconnection on Mountain View Road. And while  
9 going through some of the petition materials,  
10 Exhibit 13, that was the phase one agro --  
11 archeological survey, excuse me.

12 There were some diagrams at the back of that  
13 document that showed the interconnection point and  
14 an access drive off, extending off Mountain View  
15 Road. So I wasn't sure why it was changed to  
16 Route 83 rather than keeping the initial, I guess,  
17 idea to use Mountain View Road.

18 Do you have any explanation for that?

19 **THE WITNESS (Coon):** Yes. Tim Coon, again.

20 Yeah, the plans that were provided in the  
21 archeological study were preliminary plans before  
22 we had really had conversations with Eversource as  
23 well. There were issues with coming out at that  
24 location onto Mountain View Road, the main one  
25 being the sight lines and providing any type of an

1 access drive there because it's kind of on an S  
2 curve.

3 So that, as well as grades, additional  
4 clearing that would be required for that, all  
5 those things in addition to the discussions with  
6 Eversource directed us back to the interconnection  
7 off of South Road.

8 MR. MERCIER: Thank you. I'm going to ask a couple  
9 questions regarding this particular basin.

10 THE WITNESS (Coon): Sure.

11 MR. MERCIER: I see the outlet structure, which is, you  
12 know, discharging towards the road. The outlet  
13 structure is on the bottom of the basin.

14 Is that correct?

15 THE WITNESS (Coon): Yes.

16 MR. MERCIER: Okay. So when it rains and there's  
17 runoff and it goes into the basin and some water  
18 that is not infiltrated will flow out the  
19 discharge pipe. Right?

20 THE WITNESS (Coon): Correct.

21 MR. MERCIER: Okay. Where would the water go once it  
22 hits the road? Is it going to flow to the left,  
23 which is the -- the water there is going to flow  
24 to the right, to the south.

25 THE WITNESS (Coon): Tim Coon, again. It's going to

1 flow to the south. I -- I tried to make that  
2 clear by showing all this. There's a bunch of  
3 spot grades in there.

4 There's actually a swale that runs from that  
5 direction to the south, and if you go down in  
6 front of the abutting property, you'll see there's  
7 a cross -- or a structure, an existing inlet  
8 structure. And that's -- that's where it flows to  
9 and then crosses the street at that location.

10 MR. MERCIER: Is the swale you just mentioned on the  
11 road shown? Or is it just along the edge of the  
12 road?

13 THE WITNESS (Coon): It's just it's off the -- on the  
14 shoulder of the road, off -- off in the shoulder.  
15 It's just a depressed swale. Really can only --  
16 it's -- it's depicted here really on the plan by  
17 the contours and the spot grades.

18 MR. MERCIER: Have you examined the catch basin and  
19 inlet structure on the abutting parcel, you know,  
20 in front of the abutting parcel? I mean, could it  
21 hold additional water that might come out of your  
22 basin?

23 THE WITNESS (Coon): We did examine it. Actually,  
24 there should not be any additional water coming  
25 out of this. The basin was designed so that there

1 will be no increase in peak discharge from the  
2 development. So it's going to retain enough water  
3 so that we match the pre-development discharges.

4 MR. MERCIER: Do you know where that pipe under the  
5 road discharges? Does it discharge on a  
6 neighboring property?

7 THE WITNESS (Coon): I believe it does. I believe it  
8 crosses and goes -- at that point, it's part of  
9 the State's highways drainage system. And then it  
10 discharges to the other side, I believe, on  
11 private property over there, as most of these  
12 cross culverts do.

13 MR. MERCIER: Now I understand you're designing it so  
14 there's no net increase of flow off the site  
15 post-development, but it seems like most of the  
16 water will be going to the south rather than some  
17 going to the north out of this basin.

18 Is it ever possible to design two outlet  
19 structures so one goes, you know, on the north  
20 side of the basin so it discharges and goes to the  
21 north along the road? Or --

22 THE WITNESS (Coon): We -- we looked at --

23 MR. MERCIER: Why would you choose that side rather  
24 than the north side?

25 THE WITNESS (Coon): Because the -- the water goes to

1 the south at this point.

2 So we look at the -- where the existing water  
3 goes pre-development, and then we look at matching  
4 or reducing that during post-development, which  
5 is -- and we did provide a drainage report that  
6 demonstrates that we have accomplished that  
7 through our calculations.

8 But the existing runoff goes to the south now  
9 as well, and through that roadside swale.

10 MR. MERCIER: So the access road, where does the  
11 drainage go, you know, water rushing down the  
12 access road?

13 THE WITNESS (Coon): There, there is a small portion of  
14 the access road that does indeed go to the right,  
15 right to the next catch basin there.

16 MR. MERCIER: Okay. So that would go north?

17 THE WITNESS (Coon): That would go north, correct.

18 Well, actually -- yeah, it will go north, right to  
19 that catch basin right past the access drive.

20 MR. MERCIER: Okay. I'm just wondering if, you know,  
21 the discharge would, you know, cause any type of  
22 flooding concern, you know, on an abutting or the  
23 property across the street, you know, given the  
24 discharge point?

25 THE WITNESS (Coon): No, no. Again, we're --

1 MR. MERCIER: (Unintelligible.)

2 THE WITNESS (Coon): We -- we have --

3 MR. MERCIER: Go ahead.

4 THE WITNESS (Coon): We did provide the drainage report  
5 looking at the design points. And we are  
6 offsetting what comes off the driveway there by  
7 intercepting a lot of the other runoff that came  
8 from the site and went that way so that there's --  
9 there's -- again, our post-development peak  
10 discharge matches the pre-development.

11 MR. MERCIER: Thank you. I just want to make sure I'm  
12 reading this, this map here correctly. I'm going  
13 to look up above the basin to the right. There's  
14 the abutting property at 187 South Road, and it  
15 says, 25-yard setback.

16 So there will be no construction on the host  
17 parcel where you are within 25 feet of the  
18 abutting parcel. Is that correct?

19 THE WITNESS (Coon): I believe that's correct. Yeah,  
20 we're -- we're staying outside of that 25-yard  
21 side yard. Yes.

22 MR. MERCIER: Is there any consideration of trying to  
23 shift this whole project slightly to the north  
24 another 10, 25 feet, so 10, 20 feet to just create  
25 a larger buffer? It just seems like a lot of

1 grading there along that property line.

2 THE WITNESS (Coon): The -- the grading along that  
3 property line is actually to create a berm in  
4 order to make sure that the runoff from our site  
5 goes into our basin. So it's -- it's just a  
6 two-foot high berm that we're creating at that  
7 location.

8 With regard to --

9 MR. MERCIER: Okay. So you have --

10 THE WITNESS (Coon): Excuse me? Go ahead.

11 MR. MERCIER: Sorry. They'll have the berm and then  
12 you'll have the white spruce I see there.

13 THE WITNESS (Coon): That's correct, yes.

14 MR. MERCIER: Was there any consideration of maybe  
15 adding another row within your 25-yard setback of  
16 some type of vegetation to maybe, you know, create  
17 a staggered visual break, or anything of that  
18 nature?

19 Is there a lack of vegetation between that  
20 parcel and your project?

21 THE WITNESS (Coon): Yes, there is. Actually, that's  
22 an un-vegetated area up along the front right now.  
23 We felt over time that those, the white spruces  
24 would fill in to provide sufficient visual screen.

25 If the commission believes that additional is

1 required, I believe that's one area where we could  
2 fit some additional plantings if -- if you felt  
3 that was necessary as a condition of approval.

4 MR. MERCIER: Are the white spruce a slow-growing  
5 species?

6 THE WITNESS (Coon): I believe I was told by my partner  
7 here who is more of a botanist type that they can  
8 grow up to one to two feet a year.

9 MR. MERCIER: Okay. As time went on, would you have to  
10 perform any topping of the spruce to prevent  
11 shading of the project?

12 Or are they sufficiently far away?

13 THE WITNESS (Coon): Over 20 -- I would suspect that  
14 over the 20-year period there may be a requirement  
15 to come in to top those just because they're on  
16 the south side of the project.

17 They may require some trimming at some point  
18 in time.

19 MR. MERCIER: Okay. I'm going to move up to sheet  
20 number four; this is the aerial image. I  
21 understand you'll have some evergreens along the  
22 top of the berm, the top of the basin between the  
23 fence and the basin, the white spruce.

24 As people drive by along the road, or even  
25 the people across the street what would they be



1           seeing? Will they be seeing the riprap and the  
2           outlet structure, then a grassy berm, and then  
3           followed by the spruce?

4   **THE WITNESS (Coon):** Tim Coon again. They would see --  
5           because that's -- it's kind of a sloping up  
6           between the roadway and the fence. So they would  
7           likely see the, you know, the outlet pipe.

8           And the area where the stormwater basin is,  
9           is all going to be maintained as lawn. So that  
10          would just be a vegetated area between the fence  
11          and the street that they would be able to see, or  
12          between the -- the spruce trees and the street.

13   **MR. MERCIER:** Right, but there's also a pretty large  
14          riprap overflow. Is that right?

15   **THE WITNESS (Coon):** There would be a riprap overflow.  
16          I believe it's 20 foot wide from the basin.  
17          That's the emergency spillway.

18   **MR. MERCIER:** Is it possible to plant any kind of,  
19          like, shrubs or anything along the road area to,  
20          you know, screen some of the potential structures  
21          from, you know, this to try to mitigate further  
22          views from across the street?

23   **THE WITNESS (Coon):** At that point you'd just be  
24          mitigating views of -- of the riprap.

25   **MR. MERCIER:** That's right.

1 THE WITNESS (Coon): Yeah, there's the -- the potential  
2 to do that as long as we stay within/on our  
3 property and don't put anything in the  
4 right-of-way.

5 MR. MERCIER: Okay. Thank you. I'm going to move to  
6 sheet seven. And there's a section called project  
7 narrative.

8 Yes, it's on the left side of the sheet.  
9 Sorry, I couldn't find it.

10 You know, it runs down to the kind of the  
11 phasing of this project. And number four is  
12 basically -- number three says, install sediment  
13 barriers at project permittees. And it says,  
14 clear trees and scrub stumps in areas as shown on  
15 plan set number four.

16 Then number five is construction of  
17 stormwater management basins -- stripping to do  
18 that, and then cuts and fills as you construct  
19 them.

20 Shouldn't the construction of the stormwater  
21 basin -- for first, before you do other types of  
22 clearing, such as along the eastern portion of the  
23 property? There's some, I think, three acres up  
24 there you have to clear or something of that  
25 nature.

1           But shouldn't the sequence be that you get  
2           the basins in first, then do other earthwork?

3   **THE WITNESS (Coon):** I've seen it done both ways. The  
4           purpose of the basins is really to provide  
5           detention once the site is completed from --  
6           and -- and really it's, according to the DEP, it's  
7           a result of the -- the changes in the -- the  
8           soil's ability to -- to take the water as it's  
9           driven over.

10           During construction processes it gets  
11           compacted. So the -- I believe this sequence  
12           would still accomplish that, because the basins  
13           would be in there before the -- the major amount  
14           of construction activity takes place.

15   **MR. MERCIER:** Right. So what you're saying is the  
16           basins would act as kind of a sediment trap for  
17           construction?

18   **THE WITNESS (Coon):** No.

19   **MR. MERCIER:** And then -- no?

20   **THE WITNESS (Coon):** No. No. Actually, I'm saying  
21           that the purpose of the basin isn't to be a  
22           sediment trap during construction. It's really to  
23           provide detention post-construction.

24   **MR. MERCIER:** Okay. So what features are going to  
25           control sediment runoff if it's not the basin?

1 THE WITNESS (Coon): The silt -- there's -- the silt  
2 fence is going to be installed as well as once the  
3 trees are cut, and -- and we are proposing that  
4 the material, some of the materials be ground up  
5 as wood chips and wood chips be spread across the  
6 site as kind of intermediate sediment barriers as  
7 well.

8 MR. MERCIER: Are you going to protect the stormwater  
9 basins until the project is ready, is stabilized  
10 to prevent sediment from going in?

11 If they're not sediment basins, how are they  
12 going to function? What if sediment gets in  
13 there? How are you going to clean the stone  
14 trench and all that?

15 THE WITNESS (Coon): They would have to clean that out  
16 if -- if it got -- if sediment got in there, they  
17 would definitely have to clean that out.

18 MR. MERCIER: And how would they do that?

19 THE WITNESS (Coon): I would imagine that they probably  
20 wouldn't put the stone trench in until at a later  
21 date when it -- when the vegetation gets closer to  
22 being established.

23 That way they could actually -- if sediment  
24 did get in there, which it may, we can get in  
25 there and excavate it, get it back down to --

1           which would be the same process if it were being  
2           used as a sediment basin.

3 MR. MERCIER: Are sediment basins required for a  
4           certain amount of acreage of clearing and  
5           construction?

6 THE WITNESS (Coon): They are. That there's guidelines  
7           in the stormwater management permit.

8 MR. MERCIER: All right. So temporary sediment traps,  
9           I meant to say.

10 THE WITNESS (Coon): Yes.

11 MR. MERCIER: Are there certain requirements -- okay.  
12           So --

13 THE WITNESS (Coon): Typically, if there's a point  
14           source discharge. In this case, if it's sheet  
15           flow, it can typically be controlled with a silt  
16           fence.

17 MR. MERCIER: Has Santa Fuel applied to the DEEP  
18           stormwater program for a general permit yet?

19 THE WITNESS (Coon): Tim Coon again. No. No,  
20           typically we hold off until we get Siting Council  
21           approval before we go through that step of the  
22           process.

23           We have had our preliminary pre-application  
24           meeting with DEEP, and the stormwater division was  
25           in attendance there. We did present our plan to

1           them and believe that they were satisfied with the  
2           plan.

3   MR. MERCIER:   What date was that?

4   THE WITNESS (Coon):   I believe it was in August.

5   MR. MERCIER:   Thank you.   For the clearing of the trees  
6           along the eastern -- I think it's the southeastern  
7           border of the site, I think just three acres, how  
8           many acres will be grubbed in that area?

9   THE WITNESS (Coon):   I know that's in the material  
10           somewhere.   I believe it might be 1.7 acres.   It's  
11           the portion of the trees that are inside the  
12           fence.   The area outside the fence, we're just  
13           going to take the trees down for shade management  
14           and leave the stumps.

15   MR. MERCIER:   Okay.   Thank you.   I'm going back to  
16           sheet six -- my eyes aren't that great.   How many  
17           utility poles will be required, new utility poles  
18           will be required for the interconnection?

19           Is it six?   Am I seeing that correctly?

20   THE WITNESS (Coon):   Tim Coon.   I believe we are  
21           showing there's one pole on the opposite side of  
22           South Main where we're tying into the existing  
23           line.   Then we have three Eversource poles and  
24           then four customer poles coming up our driveway.

25           So that's one, one to be set in the existing

1 line and then seven additional poles on our side  
2 of the street.

3 MR. MERCIER: And what would the height of the utility  
4 poles be after they're installed, you know, height  
5 above grade, roughly?

6 THE WITNESS (Coon): Roughly -- I don't know the answer  
7 to that. Martin, do you know the answer to that?

8 THE WITNESS (Mija): Yeah. Martin Mija from Louth  
9 Callan Renewables. The average height of the  
10 utility poles from grade to the top of the pole is  
11 typically 35 to 40 feet.

12 MR. MERCIER: Okay. Thank you. And I see a new --  
13 they're extending a circuit to a certain point  
14 along Mountain View Drive, according to this plan.  
15 Is it going farther than what's shown, like an  
16 additional extension somewhere else?

17 Or is that the only new portion of line  
18 Eversource will be installing along South Road  
19 there?

20 THE WITNESS (Mija): Yeah, Martin Mija from Louth  
21 Callan Renewables again. So yeah, as Tim  
22 mentioned before, the -- there was no hosting  
23 capacity available on South Road. So based on the  
24 current design that we have received from  
25 Eversource, the current plan is to intersect it

1 off the pole -- I think it's labeled 5316 -- on  
2 the corner of Mountain View and South Road.

3 Come across to the western edge of South  
4 Road, build over the existing infrastructure there  
5 and bring it over to that new point of  
6 interconnection pole as a way to mitigate the need  
7 to install additional poles on the eastern side of  
8 the street.

9 MR. MERCIER: Thank you. I just have some  
10 miscellaneous questions here. Is the lease area  
11 20 acres, or 22.1 acres?

12 THE WITNESS (Coon): Tim Coon. The -- the lease area  
13 will be 20 acres. The 22.1 acres was the overall  
14 disturbance of the project site, which includes  
15 some areas outside of the lease area that where  
16 there was some tree clearing and grading, stuff  
17 like that -- but the lease area is 20.

18 MR. MERCIER: Okay. What's the life, projected  
19 lifespan of this project? 25 years?

20 Is it 40 years?

21 THE WITNESS (Keller): Andrew Keller from Santa Fuel.  
22 The -- the expected lifespan of a solar project is  
23 typically 35 years at this point in the industry.  
24 So we have an initial lease period with additional  
25 extension options at our -- at our discretion



1           depending on the opportunity to sell the power.

2   MR. MERCIER: I'm sorry. What was the lease  
3           arrangement? Was it 25 years with extensions? Is  
4           that what you stated?

5   THE WITNESS (Keller): Let me -- Andrew Keller from  
6           Santa Fuel. So let me verify that. It's either  
7           20 or 25 years, but give me one second and I'll  
8           confirm that for you, sir.

9           Andrew Keller, Santa Fuel. The primary term  
10          is 25 years, and that is the extent of the period  
11          that the landowner agreed to.

12   MR. MERCIER: Okay.

13           So there's no options for extension?

14   THE WITNESS (Keller): That is correct.

15   MR. MERCIER: Okay. 25 years total?

16   THE WITNESS (Keller): Correct.

17   MR. MERCIER: Thank you. For some of the equipment at  
18          the site, what's the lifespan of the inverters?  
19          That's typically 15 years -- and if so, would they  
20          be switched out at that time?

21   THE WITNESS (Mija): Yeah. Martin Mija from Louth  
22          Callan Renewables. Yeah, so modern inverters are  
23          typically rated to last anywhere from 10 to 15  
24          years before they need to be replaced. After that  
25          10 to 15-year initial lifecycle, they would need

1 to be replaced at that date.

2 MR. MERCIER: Now for the tracker units that are going  
3 to be installed on racking posts, what type of  
4 machinery does that? Is it a small, you know,  
5 track type vehicle that drives the post?

6 THE WITNESS (Mija): Yes. So Martin Mija from Louth  
7 Callan Renewables again. So they have post driver  
8 attachments that you can attach onto track skid  
9 steers, or specific machines that are designed to  
10 be post pounders, which would be used for the  
11 installation of the pile foundations on this  
12 project.

13 MR. MERCIER: Has the depth, the post depth, you know,  
14 below grade been determined yet? Or is that based  
15 on further engineering?

16 THE WITNESS (Mija): Martin Mija from Louth Callan  
17 again. That hasn't been determined yet. That  
18 will be finalized once structural engineering is  
19 completed, but not at this time.

20 MR. MERCIER: Are the soils at the site shallow to  
21 bedrock? You know, will there be any kind of, you  
22 know, refusal or, you know, extra effort to get  
23 them in the ground to your knowledge?

24 THE WITNESS (Coon): Tim Coon, J.R. Russo. To this  
25 point there has not been a completed boring

1 exploration of the site, if you will. We did do  
2 some test pits in the areas of the -- of the  
3 stormwater management basins.

4 And -- and the portion of this, as you  
5 probably read in the petition, was a former sand  
6 and gravel pit. The soils that we did encounter  
7 were sand and gravel.

8 There is the potential for ledge somewhere up  
9 there, but at this point, as I mentioned, there  
10 hasn't been a full-blown soil exploration yet, or  
11 boring exploration.

12 MR. MERCIER: Would you expect any blasting at the site  
13 to install any of the features?

14 THE WITNESS (Mija): Martin Mija from Louth Callan  
15 Renewables. At this point, we would not.

16 MR. MERCIER: Thank you. Back to the tracker, they  
17 have motors. What's the lifespan of those? Is  
18 that similar to the inverters, you know, 10, 15  
19 years? Or do they -- on this equipment?

20 THE WITNESS (Mija): Yeah, so it depends on the  
21 maintenance frequency of the motors -- sorry.  
22 Martin Mija from Louth Callan Renewables again.  
23 With periodic maintenance they can last about 10  
24 to 20 years without needing to be replaced.

25 MR. MERCIER: The site plan detail sheet showed a

1 seven-foot chain-link fence. Was there any  
2 consideration for more of an agricultural style  
3 fence to kind of fit in with, you know, a farm  
4 theme -- I guess you would call it -- of the area?

5 THE WITNESS (Coon): Tim Coon. No. I would say, no,  
6 we stuck with a standard chain-link fence for  
7 security.

8 THE WITNESS (Keller): And Andrew Keller from Santa  
9 Fuel. If that was the wish of the Council, we  
10 would not be opposed to using an animal friendly,  
11 rural type fence that you refer to. It's a  
12 normal -- normal business practice that we put in  
13 place on other sites that are rural like this.

14 MR. MERCIER: Okay. I did see in the plan that the  
15 bottom of the fence will be raised up eight inches  
16 above grade. Is that correct?

17 THE WITNESS (Coon): That's correct, yeah.

18 MR. MERCIER: Okay. Will there be any lighting at the  
19 facility at night?

20 THE WITNESS (Mija): Martin Mija, Louth Callan  
21 Renewables. There will not.

22 MR. MERCIER: Any kind of operation of any equipment,  
23 would that interfere with any, you know, internet  
24 cable or any type of phone service?

25 THE WITNESS (Mija): Martin Mija, Louth Callan

1 Renewables. Sorry. Just to understand your  
2 question, are you asking if the operation of any  
3 of the solar equipment on site will cause internet  
4 connectivity issues to nearby properties?

5 MR. MERCIER: Yes.

6 THE WITNESS (Mija): No, it should not.

7 MR. MERCIER: I believe that's all my questions for  
8 now. Thank you.

9 THE HEARING OFFICER: We'll continue with  
10 cross-examination of the Petitioner by  
11 Mr. Silvestri, followed by Mr. Nguyen.

12 Good afternoon, Mr. Silvestri.

13 MR. SILVESTRI: Good afternoon, Mr. Morissette, and  
14 good afternoon to all. I will try not to  
15 duplicate Mr. Mercier's questions, but I do have  
16 some followup that we'll get to in a second or so.

17 My first question for you. The site plan  
18 drawings depict two equipment pads with one  
19 transformer on each. And in the response to  
20 Interrogatory Number 48, it mentions that the 61  
21 dBA noise value is anticipated from a transformer.

22 Which transformer is that referring to?

23 THE WITNESS (Mija): Martin Mija, Louth Callan  
24 Renewables. That refers to the operational noise  
25 of each transformer at a distance of one meter

1 away. So both transformers will.

2 MR. SILVESTRI: Yeah, that was my follow-up question,  
3 if it would apply to both. Thank you.

4 Now in response to Interrogatory Number 57,  
5 it states that Santa Fuel is willing to explore  
6 noise mitigation solutions for the portion of the  
7 property boundary between points F and H that  
8 exceed the allowable daytime limit.

9 Do you have examples of the type of noise  
10 mitigation solutions that might be employed?

11 THE WITNESS (Mija): Martin Mija, Louth Callan

12 Renewables. At this point -- at this point we're  
13 still in early explorations there. What I have  
14 seen in the past is additional vegetative  
15 screening and/or structures that will -- could be  
16 built as a way to mitigate the noise, but at this  
17 point it is preliminary.

18 But Santa Fuel is still open to exploring  
19 that option as a condition of approval for this  
20 project.

21 MR. SILVESTRI: And just for my knowledge, structures  
22 meaning potential noise barriers?

23 THE WITNESS (Mija): Yes, correct.

24 MR. SILVESTRI: Thank you. Now going back to equipment  
25 pad number two, what is the function of the

1 weather station that's proposed for that pad?

2 THE WITNESS (Mija): Martin Mija, Louth Callan  
3 Renewables. So the purpose of the weather station  
4 is to gather on-site weather data. So that will  
5 measure the amount of irradiance or sunlight  
6 that's hitting the panels themselves; ambient  
7 temperature, wind speed, things of that nature,  
8 just so that we are able to compare that to  
9 expected production for the facility, just to make  
10 sure that everything is operating as expected.

11 MR. SILVESTRI: Very good. Thank you. Now I'd also  
12 like to reference site plan A-101. And the  
13 question I have on that, in red type, could you  
14 explain what is meant by, trackers to be removed  
15 from steep slope and forested area on southeastern  
16 portion of the site?

17 Again, this is drawing -- site plan A-101.

18 THE WITNESS (Coon): Tim Coon. Is that the site plan  
19 that was attached to the archaeological study?

20 MR. SILVESTRI: This comes in -- bear with me. It's  
21 appendix two site plan. It follows the phase one  
22 archaeological investigation.

23 THE WITNESS (Coon): Okay. So that that was the  
24 preliminary plan, at which point we were showing  
25 some additional panels up in the wooded area there

1           that were subsequently removed.

2           So I think -- I believe that's what that call  
3           out refers to, is the removal of those from the  
4           plan.

5   MR. SILVESTRI:   And on that drawing, the area that was  
6           in question would be that big white rectangle?

7   THE WITNESS (Coon):   I'm trying to find that drawing  
8           right now, but I assume so.

9   MR. SILVESTRI:   Mr. Keller is nodding yes.

10   THE WITNESS (Coon):   Okay.

11   MR. SILVESTRI:   Thank you, Mr. Keller.

12   THE WITNESS (Coon):   Thank you.

13   MR. SILVESTRI:   All right. Moving on. Is it your  
14           intention, should the project be approved, to  
15           store fuels on site for construction?

16   THE WITNESS (Coon):   No. Tim Coon. No.

17   MR. SILVESTRI:   Okay. So the followup I have, without  
18           storing on site how would construction equipment  
19           be refueled?

20   THE WITNESS (Coon):   Tim Coon with J.R. Russo.

21           Typically they have -- the contractor has vehicles  
22           that come to refuel on site. They don't -- they  
23           don't actually store it there, but when they need  
24           fuel they bring the -- the truck with the -- the  
25           tank there, and they fill it up on site.



1 MR. SILVESTRI: With proper precautions?

2 THE WITNESS (Coon): Yes.

3 MR. SILVESTRI: Thank you. Now related to that, within  
4 attachment number eight is the spill response  
5 plan. And the last bullets under the heading of  
6 reporting states that, and I'll quote in part, a  
7 full list of emergency contacts and telephone  
8 numbers is included.

9 I didn't see anything in that attachment for  
10 telephone numbers or contacts.

11 Did I miss something?

12 THE WITNESS (Mija): This is Martin Mija from Louth  
13 Callan Renewables. So this was -- the spill and  
14 response plan was an excerpt taken from our  
15 overall health and safety plan, which we complete  
16 for each project.

17 So that reference might be to another sheet  
18 that was not included in the submission, but we  
19 could provide that information as an additional  
20 appendix.

21 MR. SILVESTRI: Well, should the project be approved, I  
22 think it would be your intention that you would  
23 have emergency contacts, telephone numbers,  
24 reporting sheets, et cetera. Correct?

25 THE WITNESS (Mija): Yes, that is correct. So a full

1 health and safety plan would be drafted, which  
2 would be inclusive of that information.

3 MR. SILVESTRI: Very good. Thank you. Now I'd like to  
4 move to attachment number nine, the inspection and  
5 maintenance requirements. I didn't see anything  
6 listed for trackers, although in one of the  
7 comments back to Mr. Mercier it was mentioned that  
8 there will be subject to maintenance.

9 My question is, what type of maintenance  
10 would you have on the trackers, and how often  
11 would it be performed?

12 THE WITNESS (Mija): So in the -- Martin Mija, Louth  
13 Callan Renewables. In the O and M plan, it does  
14 reference that periodic site maintenance would be  
15 completed for the equipment on site just to  
16 validate the performance and whatnot. So that  
17 would include the inverters and the tracker motors  
18 at that point.

19 Inspections would probably be completed  
20 quarterly, or twice a year outside.

21 MR. SILVESTRI: How are the trackers actually powered?

22 THE WITNESS (Mija): Martin Mija, Louth Callan  
23 Renewables. Based on the weather conditions that  
24 we have for the specific project site, we are  
25 optimistic that we'll be able to use self-powered

1           trackers where they have a small solar panel that  
2           is actually in between the little gaps on  
3           individual tables on the tracker itself that will  
4           be able to power the motor.

5   **MR. SILVESTRI:**   So you're looking at self powering as  
6           opposed to having some type of a distribution  
7           power line to keep the trackers going.   Correct?

8   **THE WITNESS (Mija):**   Yes, that is correct.

9   **MR. SILVESTRI:**   Thank you.   Now staying with the  
10           trackers, do you know if the rotation mechanism is  
11           gear driven or chain driven, or something else?

12   **THE WITNESS (Mija):**   It's driven through the motor.   It  
13           connects to a screw drive assembly, which connects  
14           onto a torque tube.   So that that motor is  
15           responsible for rotating the entire tracker  
16           through the torque tube operation.

17   **MR. SILVESTRI:**   Understood.   Thank you.   And staying  
18           again with the trackers, do you know if the  
19           trackers would respond automatically to snow, such  
20           that if anything accumulates or tries to  
21           accumulate the panels would rotate to, say, a  
22           perpendicular angle to the ground so that you  
23           wouldn't have any type of snow accumulation.

24   **THE WITNESS (Mija):**   Martin Mija, Louth Callan  
25           Renewables.   Again, the proposed manufacturer that

1 we're hoping to use on this project does also have  
2 their own weather station that will be on site  
3 that communicates with the trackers.

4 So that the weather sensor from the tracker  
5 manufacturer is able to send a notice to the  
6 trackers to safely stow or move in the event of a  
7 wind speed event, or high wind speed, stowed to a  
8 safe position.

9 And I believe they also have functionality to  
10 stow based on snow as well.

11 MR. SILVESTRI: Very good. Thank you. All right.

12 Going back to the arrays that would be positioned  
13 on the east, slash, southeast side of the proposed  
14 facility, what would be the final slope up in that  
15 area?

16 THE WITNESS (Coon): That area would be regraded to 15  
17 percent maximum slope.

18 MR. SILVESTRI: 15 percent? Thank you. Now, for  
19 residents along Route 83 to the west, I take it  
20 they'd be looking up on that. And I'm curious  
21 what you see as their proposed visibility of that  
22 area in the east/southeast side of your arrays.

23 THE WITNESS (Coon): Tim Coon and J.R. Russo. The --  
24 we haven't actually done a viewshed analysis, but  
25 it -- it does go uphill. There's a quick rise

1 from the road. Then it kind of levels off and  
2 then it continues uphill in the back there, which  
3 from their homes, it's likely going to be visible  
4 in the back, which will be, you know, over 700  
5 feet away.

6 They may see some panels way up in the back.

7 MR. SILVESTRI: Okay. So with that, do you anticipate  
8 that any glare from the panels in that area would  
9 be, say, directed toward those residents as the  
10 panels rotate?

11 THE WITNESS (Coon): No. I would say, no. That there  
12 they're angled up, as opposed to it would need to  
13 be angled down to actually go down toward those,  
14 those residences.

15 MR. SILVESTRI: Okay. Thank you.

16 And then Mr. Mercer had asked the question  
17 about screening along Route 83. And you'd be  
18 amenable to putting something there along the  
19 property line, provided it stays within your  
20 property line. Correct?

21 THE WITNESS (Coon): Correct.

22 MR. SILVESTRI: Okay. Thank you. Now you mentioned  
23 seven new utility poles. Has there been any  
24 additional discussions with Eversource to minimize  
25 the number of poles through pad-mounted equipment?

1 THE WITNESS (Mija): Martin Mija, Louth Callan

2 Renewables. So at this point, as we mentioned in  
3 our interrogatory responses, the project has  
4 completed a local system impact study with  
5 Eversource and is currently in ISO New England  
6 approval.

7 Until the project receives final ISO approval  
8 and estimated upgrade costs have been paid for,  
9 those discussions cannot be had with Eversource,  
10 but we are open to discussing that with them when  
11 the opportunity presents itself.

12 MR. SILVESTRI: All right. So here's my concern on the  
13 seven new poles. And I'm looking at anticipated  
14 visual impacts. So that I've kind of raised the  
15 question about the poles due to the statement that  
16 you have on page 13 of your application. And it  
17 states under the heading of scenic values and  
18 visual impacts, and I'll quote in part,  
19 furthermore, the use of low profile project  
20 components that will be no greater than 13 feet  
21 above grade also significantly reduces potential  
22 visible impact.

23 So I kind of put that statement in line with  
24 the poles being 35 to 40 feet high, and kind of  
25 say, could we do something about the poles?

1 THE WITNESS (Coon): Tim Coon with J.R. Russo. That I  
2 believe it's -- that that statement was in  
3 reference to the panels specifically as to the low  
4 profile equipment and not necessarily the poles.

5 And again, I -- I'm not sure what we can do  
6 about the poles, but as Martin mentioned, if we  
7 can work something out with Eversource to  
8 eliminate some of them, then I believe they'd be  
9 amenable to that.

10 MR. SILVESTRI: Yeah, you understand my concern.

11 THE WITNESS (Coon): Yes.

12 MR. SILVESTRI: Thank you. I'd like to talk about  
13 wetlands for a little bit. And when I look at the  
14 wetland report that's contained within Exhibit 8  
15 of the application, page 3 of the report states,  
16 again in part, with a permanent pool and diverse  
17 wetland vegetation, the ponds likely support a  
18 diverse amphibian population.

19 So my question is, what populations were  
20 identified in and around the wetlands?

21 THE WITNESS (Coon): I do not believe that was -- he,  
22 the soil scientists did not do an investigation of  
23 the different types of species in the wetland. He  
24 did --

25 MR. SILVESTRI: And I take it you didn't look for

1 vernal pools either at this point?

2 THE WITNESS (Coon): No, he did look for vernal pools.

3 He established that those, those were ponds, not  
4 vernal pools that are out there now.

5 MR. SILVESTRI: But again, no species identification at  
6 this point?

7 THE WITNESS (Coon): No.

8 MR. SILVESTRI: So overall, we're not sure what we  
9 might be dealing with. And related to that, I  
10 look at page 10 of the application where it  
11 comments that a hundred-foot buffer has been  
12 maintained between all of the proposed panels in  
13 the array and the wetlands, but you have an  
14 undisturbed buffer of 50 feet on the construction  
15 aspect of it.

16 My question, because we don't know what we're  
17 dealing with, could that 50-foot buffer from the  
18 construction aspect be actually increased to a  
19 hundred feet to play it on the safe side?

20 THE WITNESS (Coon): I'm taking a look at the plans  
21 here, but I do not believe that that could be  
22 achieved without impacts to the productivity of  
23 the array and the relocations of the stormwater  
24 basins.

25 I'll also point out that even though no



1 animals have been identified in those ponds, we  
2 did do the natural diversity database check and  
3 there's been nothing identified in this area with  
4 regard to endangered or -- or critical species.

5 MR. SILVESTRI: No, I hear what you're saying on that,  
6 but normally we'd like to see what we have,  
7 especially if it's listed as a diverse amphibian  
8 population. I'd like to know what's there.

9 So again, that's my concern with the buffer  
10 aspect of it and I hope you take that into  
11 consideration should this project be approved.

12 Now I want to go back to the photo exhibits  
13 that you have, and a few questions on this one.  
14 Am I correct that the house at 187 South Road is  
15 the closest residence to the proposed southern  
16 arrays? I think that's labeled as now or formerly  
17 Karen Murphy.

18 THE WITNESS (Coon): Yes, that is the closest  
19 residence.

20 MR. SILVESTRI: Okay. So go back now to Interrogatory  
21 18. It states that the nearest offsite residence  
22 to the perimeter fence is approximately 66 and a  
23 half feet to the south at 185 South Road.

24 So we just established 187 is the closest.  
25 Is the 185 a typo?

1 THE WITNESS (Coon): I've actually opened up the Town's  
2 GIS and they have that property listed as 187.

3 So the 185 appears to be the typo.

4 MR. SILVESTRI: Thank you. I started getting confused  
5 with numbers, which is why I brought that up.

6 Thank you.

7 THE WITNESS (Coon): I apologize.

8 MR. SILVESTRI: Then Mr. Mercier asked you the question  
9 as to if a larger buffer could be accomplished  
10 along that border at 187, and I didn't hear a yes  
11 or a no. I heard that you have berms, you have  
12 evergreens, but I didn't hear if that could  
13 actually be pulled back somewhat to increase the  
14 buffer.

15 So I'll ask that question to you.

16 THE WITNESS (Coon): I'm not certain that that could be  
17 pulled back without, again, impacting the  
18 productivity of the -- of the panel arrays.

19 MR. SILVESTRI: All right. Mr. Morissette, that's all  
20 I have at this time. I thank you, and I thank the  
21 panel.

22 THE HEARING OFFICER: Thank you, Mr. Silvestri. We'll  
23 now continue with cross-examination by Mr. Nguyen,  
24 followed by Mr. Golembiewski.

25 Mr. Nguyen, good afternoon.

1 MR. NGUYEN: Good afternoon, Mr. Morissette. Thank  
2 you. And good afternoon, everyone. Given many  
3 questions have been asked, just a few for me.

4 The project currently comprises of 87 and 10  
5 PV tracking modules. Is that right?

6 THE WITNESS (Mija): Martin Mija, Louth Callan  
7 Renewables. Yes, that is correct.

8 MR. NGUYEN: On the page 6 of your application, it  
9 indicates that the PV module is subject to change  
10 as additional optimization and market conditions  
11 may dictate. So could you elaborate on what's  
12 subject to change?

13 THE WITNESS (Mija): Yes. Martin Mija, again. So the  
14 PV module manufacturing industry is constantly  
15 evolving and there are always more efficient and  
16 larger format panels that are available as  
17 manufacturers are releasing them.

18 So since it's difficult to determine when a  
19 project will actually be 100 percent ready to be  
20 installed, it's difficult for us to say that these  
21 are going to be 100 percent the panels that are  
22 going to be used, because as new products come  
23 out, old -- older style modules are phased out of  
24 production.

25 MR. NGUYEN: Would there be any possibility that the

1           number of panels might be reduced while, you know,  
2           still achieving the output objective?

3   **THE WITNESS (Mija):** Martin Mija, again. Yes, it is  
4           possible. As I mentioned, as the power density  
5           increases on the panels, the overall number of  
6           panels could be reduced potentially after  
7           engineering is completed to maintain the same DC  
8           system size.

9   **MR. NGUYEN:** Okay. Given the construction timeframe,  
10          it indicates that four to six months, is that  
11          right? From completion to -- from commencement to  
12          completion?

13   **THE WITNESS (Mija):** Yes. This is Martin Mija. Yes,  
14          that is -- that is correct. So that would be  
15          start of civil and stormwater installation up to  
16          the point of mechanical completion once, in our  
17          eyes, the project has been operationally built.

18                 And then it involves coordination with the  
19          local utility and the Town to get the project  
20          actually energized and producing.

21   **MR. NGUYEN:** And what would be the typical days and  
22          hours during the day for the construction?

23   **THE WITNESS (Mija):** Martin Mija again. So we would  
24          just follow the local town ordinances for start of  
25          construction, which I don't recall what time it is

1 off the top of my head.

2 But our typical hours on other similar job  
3 sites are 7:30 or 8 a.m. in the morning, up to  
4 three or four in -- in the afternoon.

5 MR. NGUYEN: And then one other question regarding  
6 maintenance. And I know a lot of questions have  
7 been asked and answered, but would there be any  
8 remote monitoring of the system?

9 THE WITNESS (Mija): Yes. Martin Mija again. So as we  
10 were discussing previously, the data acquisition  
11 system that will be installed in this project will  
12 actually have remote monitoring capabilities for  
13 all of the inverters, the transformers, the  
14 trackers, and the weather sensor data that we  
15 discussed previously.

16 So that is 100 percent remotely monitored  
17 through a cellular connection, and that will be  
18 checked daily by the O and M provider once the  
19 site is operational.

20 MR. NGUYEN: And the monitoring center, is it in state?  
21 Is it out of state? Or is it contract?

22 THE WITNESS (Mija): That will be contracted. Andrew,  
23 I would defer that question to you. I'm not sure  
24 if an O and M provider had been selected at this  
25 point, since it is still early on in the process.

1 But in case you have already made that decision, I  
2 will hand that off to you.

3 THE WITNESS (Keller): (Inaudible.)

4 THE WITNESS (Mija): Oh, he might be on the -- we will  
5 get back to you on that one. The best of my  
6 knowledge, an O and M provider has not been  
7 selected yet, though.

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

10 THE HEARING OFFICER: Thank you, Mr. Nguyen. We'll now  
11 continue with cross-examination by  
12 Mr. Golembiewski, followed by Dr. Near.

13 Mr. Golembiewski, good afternoon.

14 MR. GOLEMBIEWSKI: Thank you, Mr. Morissette. Good  
15 afternoon to you, to the other members, and the  
16 panel. I have a few questions.

17 I guess I'm going to refer to the same plans  
18 that Mr. Mercier had used. My first question is I  
19 did notice there are two seed mixes that are  
20 proposed for the site. One is a Showy Northeast  
21 Native Wildflower and Grass Mix. I'm assuming  
22 that is the pollinator mix. Is that correct?

23 THE WITNESS (Coon): Tim Coon with J.R. Russo.

24 Yes, that is correct.

25 MR. GOLEMBIEWSKI: And that is consistent with what the

1           Town had suggested in there, in their consultation  
2           with you?

3   **THE WITNESS (Coon):** They didn't specify anything, so  
4           we kind of picked the seed mix to -- to meet their  
5           desire for a pollinator seed mix.

6   **MR. GOLEMBIEWSKI:** Okay. And then the actual  
7           stormwater basins are going to be treated with a  
8           pretty standard ENS restoration mix.

9           Is that correct?

10   **THE WITNESS (Coon):** That's correct. And -- and in  
11           addition, that mix is more tolerant of infrequent  
12           inundation, and which is common in a stormwater  
13           basin.

14   **MR. GOLEMBIEWSKI:** Okay. Thank you. So then I guess  
15           I'm going to refer to plan sheet five of eight,  
16           and that would be, I guess, if you want to call it  
17           the north section.

18           I had a question as to, I notice in this case  
19           here there is -- as you move south, there is a  
20           swale that will collect runoff and then would  
21           direct it to the north. Is that correct?

22   **THE WITNESS (Coon):** That's correct.

23   **MR. GOLEMBIEWSKI:** And then as you move to the northern  
24           end, it appears that sheet flow will then in, I  
25           guess, the vicinity of the actual basin itself the

1 site will be graded so that there's sheet flow  
2 directly into the basin. Is that correct?

3 THE WITNESS (Coon): That's correct as well.

4 MR. GOLEMBIEWSKI: Okay. Is that -- I guess my  
5 question to you is, how is that? How are you not  
6 going to get sort of an erosion channelization  
7 issue there?

8 My experience is when you try to do sheet  
9 flow, you have to have sort of almost like a level  
10 spreader kind of situation where you have to have  
11 a little structure. How are you going to avoid  
12 that all draining to, say, one point where you'll  
13 end up having sort of an eroded gully?

14 THE WITNESS (Coon): Well -- Tim Coon with J.R. Russo.  
15 Sheet flow by its nature, it spreads it out. And  
16 where really the existing drainage pattern out  
17 there across that field is sheet flow down to the  
18 area of this stormwater basin. So we're just  
19 maintaining that.

20 It's just going to continue other than, as  
21 you mentioned, the southern end where it's going  
22 to sheet flow down into our swale where we can  
23 pick it up and direct it to the north, to our  
24 stormwater basin.

25 But otherwise, the -- we don't anticipate any



1 erosion issues because we're -- we're pretty much  
2 going to match the existing condition, which is  
3 just sheet flow across the existing vegetation  
4 down into the basin.

5 MR. GOLEMBIEWSKI: So in this area, are you actually  
6 going to disturb the soils? Or are you just going  
7 to install panels and monitor --

8 THE WITNESS (Coon): In this area, yeah, just install  
9 panels at the existing grade, maintaining the  
10 existing vegetation.

11 MR. GOLEMBIEWSKI: Okay. Great. All right. That that  
12 makes a lot of sense. Thank you.

13 Now, if I move to the next sheet down, which  
14 is the southern end, I had a few questions. One  
15 is, I believe that the 20-foot wide earthen  
16 spillway elevation may be incorrect on this plan.  
17 I think it's -- I think it was 271 is the spillway  
18 for the north one.

19 This one maybe should be 292, maybe.

20 THE WITNESS (Coon): That, you're correct. That does  
21 appear to be a typo.

22 MR. GOLEMBIEWSKI: Okay.

23 THE WITNESS (Coon): Yes, we can correct that  
24 certainly.

25 MR. GOLEMBIEWSKI: And then I had a question on how --

1 so are these actual infiltration basins, or are  
2 they detention basins? So are they retention or  
3 detention?

4 THE WITNESS (Coon): They are infiltration basins  
5 that -- that also serve the purpose of providing  
6 detention because the size of the outlet, which is  
7 a twelve-inch pipe, provides a restriction during  
8 a large storm event which causes the water to be  
9 detained in the basin and metered out slowly.

10 MR. GOLEMBIEWSKI: Okay. So if I look at the spec, you  
11 have about 16 inches of this trench. So the first  
12 water that's going to come in the basin is going  
13 to be directed to this trench. And there's going  
14 to be 6 inches -- 16 inches of this stone that  
15 water is going to flow to and will infiltrate from  
16 there. Water that exceeds that ability to  
17 infiltrate will then start filling up the basin.

18 And in this case, if we go to this southern  
19 basin, it's going to fill up to the inlet  
20 elevation -- oh, damn. Just hold on. My site  
21 plans just went away.

22 THE WITNESS (Coon): I believe it's 288.

23 MR. GOLEMBIEWSKI: 288? Okay.

24 THE WITNESS (Coon): Yeah.

25 MR. GOLEMBIEWSKI: So the water will basically sit in

1           there up to 288?

2   THE WITNESS (Coon):   Correct.

3   MR. GOLEMBIEWSKI:   And then it will be metered out this  
4           small pipe?

5   THE WITNESS (Coon):   In addition, while it's sitting  
6           there it is also infiltrating through the bottom  
7           of the basin as well.

8   MR. GOLEMBIEWSKI:   Sure.   So --

9   THE WITNESS (Coon):   In addition to the stone trench.

10   MR. GOLEMBIEWSKI:   Okay.   Is there a potential that  
11           this basin would entirely fill up with water if on  
12           a large enough storm?

13   THE WITNESS (Coon):   Tim Coon with J.R. Russo.   We did  
14           our drainage report and we looked at the 2, 10,  
15           25, I believe, and the hundred-year storm event.

16           And during the hundred-year storm event, we  
17           are still providing one foot of freeboard, which  
18           basically means a foot of clearance between the  
19           highest water surface elevation and the top of the  
20           berm.

21   MR. GOLEMBIEWSKI:   Okay.   All right.   Thank you.   And  
22           then I had a question knowing that this is  
23           discharging technically to a state system, do you  
24           need to provide these calculations to DOT when you  
25           get a permit for there, your -- like, your road

1 cut into the state road?

2 THE WITNESS (Coon): Tim Coon. Yes, we will. We will  
3 have to go to this DOT for an encroachment permit  
4 and that will be part of the submission.

5 MR. GOLEMBIEWSKI: Great. Okay. Thank you. So this  
6 is the area where you're going to have to do  
7 grubbing and the soil disturbance. Right? This  
8 is the section, the southern array section?

9 THE WITNESS (Coon): Yeah, that the grubbing will be  
10 confined to the wooded area up in the -- on the  
11 western edge of the southern area, but we will be  
12 grading in this area as well for the construction  
13 of the stormwater basin on the western edge.

14 MR. GOLEMBIEWSKI: And as I read the plans or the  
15 proposal, after you grub you're going to  
16 essentially remove the topsoil and set it aside?

17 THE WITNESS (Coon): Correct.

18 MR. GOLEMBIEWSKI: And then you're going to establish  
19 the grades that you want in the exposed subsoil?

20 THE WITNESS (Coon): Yes, and then put the topsoil  
21 back.

22 MR. GOLEMBIEWSKI: And then put it on top.

23 Yeah. Okay.

24 Is there -- it's hard for me to tell, because  
25 the grading looks like it's not that much, maybe

1           just a couple feet either way as you go through.

2   THE WITNESS (Coon):  Yeah.

3   MR. GOLEMBIEWSKI:  Is it going to be a balanced cut and  
4           fill?  Or is there going to be an excess of  
5           material that's going to need to be removed?

6   THE WITNESS (Coon):  I believe there may be a little  
7           excess material, especially when you take into  
8           account the material that's removed to create the  
9           basins.

10  MR. GOLEMBIEWSKI:  Okay.

11  THE WITNESS (Coon):  That there's probably going to be  
12           a slight export of material.

13  MR. GOLEMBIEWSKI:  Okay.  And that will be just trucked  
14           off and part of your construction process?

15  THE WITNESS (Coon):  That's correct.

16  MR. GOLEMBIEWSKI:  So there won't be anything.  There  
17           won't be any spoils placed on the site anywhere  
18           else, or in this project area, the lease area?

19  THE WITNESS (Coon):  There's no plan for that now.

20  MR. GOLEMBIEWSKI:  Okay.  And as I look in -- and then  
21           you explained earlier that these hashed woody  
22           debris areas is really just wood chippers.

23           Is that essentially correct?

24  THE WITNESS (Coon):  Yeah.  That that's correct.  And  
25           the point there's -- they're kind of, you know,

1           instead of putting up another silt fence, we  
2           figure we'll put -- we've got this material. It's  
3           natural. It can degrade. We can just put that  
4           there and then it -- it serves the same purpose.

5   MR. GOLEMBIEWSKI: And once you get to the grades you  
6           want, that can be either removed or even just  
7           incorporated into the ground?

8   THE WITNESS (Coon): Yes, it can be left there. And in  
9           fact, it probably should be left there until the  
10          vegetation is established.

11   MR. GOLEMBIEWSKI: Okay. So I also have, you know, I  
12          always put myself in the position of the person  
13          closest to the project. So this corner, you know,  
14          to me is sort of, like you know, the area that I  
15          have some concern about the, you know, how close  
16          it is to this, this residential lot.

17                 As I look at the plans, the plantings don't  
18          look like they're on the three-foot berm. It  
19          looks as -- to me, as I look at the grading, is  
20          the three-foot berm, if I go in the bottom right  
21          corner, I see, you know, the Vs and I see, like,  
22          308, 300.

23                 Is that a swale right there?

24   THE WITNESS (Coon): The 308 and the 300 are actually  
25          the berm, and it's a two-foot-high berm.

1 MR. GOLEMBIEWSKI: Two-foot-high berm? Okay.

2 THE WITNESS (Coon): Right. And you're correct. The  
3 plantings are kind of -- are located just off of  
4 the berm.

5 MR. GOLEMBIEWSKI: Okay. And that was probably for  
6 visual purpose so we could actually see the  
7 grading maybe. And then as the plantings come  
8 across right from south to north, they don't seem  
9 to be on a berm either.

10 And so it almost looks like you're going to  
11 have sheet flow through your plantings, and I'm  
12 not sure that's a great idea either.

13 THE WITNESS (Coon): No, you're correct. There will  
14 be -- there's no berm where they're proposed on  
15 it, but we don't anticipate a problem with the  
16 sheet flow or that those trees intercepting or --  
17 or impeding the sheet flow into the basin.

18 MR. GOLEMBIEWSKI: Okay. All right. Let's see. And I  
19 think the issue with the noise has been addressed  
20 on the -- and that's, it looked like to me the  
21 noise was most likely associated with equipment  
22 pad one. Is that true? Or it's --

23 THE WITNESS (Coon): I'd have to defer to Martin  
24 whether it's one or two. I -- I don't recall.  
25 But it's on the other side of the project for the

1           most part.

2   MR. GOLEMBIEWSKI:  Yeah.  But it's essentially more  
3           we're looking at the effect to the next property,  
4           not necessarily -- we're assuming we're using sort  
5           of the residential.

6   THE WITNESS (Coon):  Yeah.

7   MR. GOLEMBIEWSKI:  Residential use.

8   THE WITNESS (Mija):  Yeah.  Martin Mija, Louth Callan.  
9           It's -- I think for equipment pad two is the one  
10          that is closest to the property boundary to the  
11          east.  That's owned by the Northern Connecticut  
12          Land Trust.

13   MR. GOLEMBIEWSKI:  Okay.  I think the only other  
14          question that I had was answered previously.  
15          Okay.  Yeah.  That's all I have.  Thank you,  
16          Mr. Morissette.  Thank you, panel.

17   THE HEARING OFFICER:  Thank you, Mr. Golembiewski.  I  
18          propose that we take a short 10-minute break and  
19          we reconvene at 3:30.

20                 And at that time, Dr. Near will commence with  
21          his cross-examination, followed by Mr. Lynch.

22                 So we'll see everyone at 3:30.

23                 Thank you -- oh, and we do have an open  
24          question relating to the -- has an O and M  
25          provider been selected?  If we can have an answer



1 of that when we return, that would be appreciated.

2 Thank you.

3  
4 (Pause: 3:20 p.m. to 3:30 p.m.)

5  
6 THE HEARING OFFICER: Welcome back everyone.

7 Is the Court Reporter with us?

8 THE REPORTER: Yes, and we are on the record.

9 THE HEARING OFFICER: Very good, thank you.

10 Okay. We're back on the record. Do you have  
11 an answer to the response about the O and M  
12 provider for us, Mr. Coon?

13 THE WITNESS (Mija): Yes. Martin Mija from Louth  
14 Callan. An O and M provider has not been selected  
15 at this time, since it's still early on in the  
16 project life cycle.

17 THE HEARING OFFICER: Very good. Thank you.

18 Okay. We'll continue with cross-examination  
19 of the Petitioner by Dr. Near, followed by  
20 Mr. Lynch. Dr. Near, good afternoon.

21 DR. NEAR: Good afternoon, Mr. Morissette. I have no  
22 questions at the time. The few questions I had  
23 were offered by my colleagues in the Council.

24 Thank you.

25 THE HEARING OFFICER: Very good, thank you.

1           We'll now continue with cross-examination by  
2           Mr. Lynch, followed by myself.

3           Mr. Lynch, good afternoon.

4   MR. LYNCH:   Can you hear me, Mr. Morissette?

5   THE HEARING OFFICER:  I can hear you, thank you.

6   MR. LYNCH:   I got a hodgepodge of a few questions.

7   THE HEARING OFFICER:  Okay.  Please continue.

8   MR. LYNCH:   I'd like to start -- if I can find my notes  
9           here.  Two follow-up questions from  
10           Mr. Silvestri's earlier cross-examination.  One of  
11           them was the trackers not being impacted by  
12           snowfall, but can the trackers be frozen by an ice  
13           storm?

14   THE WITNESS (Mija):  Martin Mija.  That is a good  
15           question.  I think based on the estimated extreme  
16           minimums for the project facility based on  
17           historical data, it is unlikely that the trackers  
18           would be frozen, but if the temperatures ever did  
19           exceed that certain threshold, then it is possible  
20           that the motor and the torque tubes could  
21           potentially freeze, even though it is unlikely to  
22           the best of my knowledge.

23   MR. LYNCH:   I guess my next question would be, what's  
24           the threshold then?  For followup, the temperature  
25           for freezing, I guess that's my -- what's the

1 threshold temperature, roughly?

2 THE WITNESS (Mija): Martin Mija. I don't have that  
3 information on hand, but I can take a look and get  
4 back to you.

5 THE HEARING OFFICER: Unfortunately, we're not taking  
6 late files for this hearing. So if you're going  
7 to get back to us, you need to get back to us  
8 before we close the hearing today. Thank you.

9 MR. LYNCH: Thank you, Mr. Morissette. That's what I  
10 was going to say, too. I was going to say really  
11 that I didn't want any late files.

12 Another question that Mr. Silvestri asked  
13 you, and I'm not sure I heard the answer  
14 correctly, was that you didn't -- did not do a  
15 study of the animal species in or around the site.

16 Did I hear that correctly?

17 THE WITNESS (Coon): I believe Mr. Silvestri's  
18 questions were in regard to the animal species in  
19 the pond that the wetland scientists referred to.

20 And he did not -- he did just note that those  
21 were ponds and those were wetlands. He was out  
22 there to do the wetland delineation, but he did  
23 not do any specific species identification in  
24 those ponds.

25 MR. LYNCH: All right. Thank you. I just wanted a

1 clarification. I didn't know whether I heard it  
2 correctly or not.

3 Now I'm going to start with -- I'm going to  
4 jump around a little bit. First, with regards to  
5 any damage to the site, either through storm or,  
6 you know, vandalism, how long does it take to  
7 repair these panels or the inverters if they're  
8 damaged? And do you do that, or do you contract  
9 that job out?

10 **THE WITNESS (Keller):** Andrew Keller from Santa Fuel.

11 I can speak to that as far as how we would -- how  
12 we would handle a situation where something was  
13 damaged.

14 Typically, we look to the installer who has  
15 done the work to perform some of that work as  
16 needed. And typically, maybe Martin could speak  
17 to the time to replace an inverter and the panel  
18 replacement would be dictated by the -- the extent  
19 of the damage.

20 So if there was a microburst situation where  
21 there were a hundred panels that were damaged,  
22 that would be different than if a small storm came  
23 through and three or four panels were damaged and  
24 had to be replaced.

25 But I can pass it off to Martin to maybe

1 speak to the timeframe to replace an inverter if  
2 one of the small inverters were damaged or  
3 otherwise not working.

4 MR. LYNCH: Would there also be a  
5 problem (unintelligible) --

6 THE WITNESS (Mija): (unintelligible) -- here.

7 MR. LYNCH: Oh, go ahead.

8 THE WITNESS (Mija): The typical replacement timeline  
9 for an inverter would kind of depend on what work  
10 would need to be done. If it's the entire  
11 inverter that needs to be replaced, those  
12 installations are normally completed the same day  
13 that we get back on site.

14 MR. LYNCH: Would there be a concern of availability  
15 for the panels and the inverters, or is the -- is  
16 your supplier readily available?

17 THE WITNESS (Keller): Andrew Keller, Santa Fuel. One  
18 of the strategies that we do sometimes deploy on  
19 certain projects is to have a few extra panels  
20 available from the original procurement and leave  
21 those off site for a small scale change of panels.

22 Typically we don't do that with the  
23 inverters, but with the panels sometimes that is a  
24 wise thing to do. Our experience, my experience  
25 over the last 14 years of doing this type of

1 work -- (inaudible) -- is we were able to figure  
2 out a solution with an existing panel that's on  
3 the market or an existing inverter that's on the  
4 market if original equipment was not available,  
5 not being able to replace one in the future.

6 THE HEARING OFFICER: I'm sorry Mr. Keller, but you  
7 were breaking up. So I think your last few  
8 sentences unfortunately need to be repeated.

9 Is it Mr. Keller, or Mr. Mija?

10 THE WITNESS (Keller): Andrew Keller, I apologize if  
11 you can't hear me. Martin, maybe you could take  
12 that and I will call in on my phone, because I'm  
13 having technical difficulties.

14 THE WITNESS (Mija): Yeah, of course. Martin Mija  
15 hear.

16 So what Andrew was stating was that for  
17 future O and M reasons, typically we will provide  
18 a small number of spares for modules on a specific  
19 project so that they could be replaced at a future  
20 date and they are readily accessible. So those  
21 will be kept in offsite storage most likely.

22 Inverters are typically not -- spare  
23 inverters are typically not purchased at the  
24 initial start of a project operation cycle, but by  
25 using tier one companies and manufacturers that

1 are expected to remain in business, finding  
2 replacements for those components is not  
3 readily -- is not challenging at this time.

4 MR. LYNCH: All right. Thank you. Sticking with the  
5 inverters -- I don't have. I should have it in  
6 front of me, but I don't. I think in your  
7 testimony or one of the questions from the  
8 interrogators you said the inverters only have a  
9 lifetime of what? 10 to 15 years, and then they  
10 have to be replaced?

11 Is that correct?

12 THE WITNESS (Mija): Martin Mija. Yes, that is  
13 correct.

14 MR. LYNCH: And if the lifetime of the project is 25  
15 years you factor in the replacement of these  
16 inverters?

17 THE WITNESS (Mija): Yes, that is something that is  
18 considered during initial project feasibility and  
19 planned for depending on the life cycle. So it  
20 will probably be replaced at some point within  
21 that 10 to 15-year window that I mentioned. So  
22 about the halfway point of the 25 year expected  
23 life cycle.

24 MR. LYNCH: And continuing with replacements, even  
25 though you say the panels over the lifetime will

1           only lose a certain percentage of their viability  
2           rather, you know, something to use the late Mr.  
3           Moore's law, everything changes within a certain  
4           period of time.

5           If there's a better panel available in 5, 10,  
6           15 years would you consider replacing all, some or  
7           all of your panels?

8   **THE WITNESS (Keller):** Andrew Keller here from Santa  
9           Fuel. Can you hear me okay now?

10 **THE HEARING OFFICER:** Yes, we can.

11           Thank you, Mr. Keller.

12 **THE WITNESS (Keller):** Great, thank you. To answer the  
13           question at hand, typically the answer would be  
14           no. And the reason we would not typically replace  
15           those panels is that the panels had already been  
16           paid for and -- and amortized into the project  
17           cost.

18           So there would have to be a substantial  
19           improvement to justify the cost versus the  
20           existing production capacity and potential down  
21           time for the solar facility to be replaced with  
22           equipment. So I won't say it's impossible, but  
23           it's very unlikely.

24 **MR. LYNCH:** Well, thank you. I just wanted to get that  
25           on the record for myself. With regards to storage



1 batteries here you said that you're not  
2 incorporating them now, but you may in the future  
3 seeing that Connecticut has a few companies, you  
4 know, that are actually working now on storage  
5 batteries for, you know, all types of electrical.  
6 You know, if something comes along again that  
7 would allow you to store huge storage batteries so  
8 you don't have a 24 hour output of electricity,  
9 how viable is that in your future?

10 **THE WITNESS (Keller):** Andrew Keller again from Santa  
11 Fuel. That is a good question and unlike my  
12 answer to the panels, replacing panels if there  
13 was a sound reason and/or incentive to support the  
14 local grid with battery storage from this project  
15 we would be open to that as an option.

16 But we recognize that that would entail an  
17 additional entitlement process with likely the  
18 State, with your committee and/or definitely with  
19 the utility to make sure that the storing of that  
20 power and releasing of that power is handled  
21 efficiently and doesn't create any health or  
22 wellness issues on the grid.

23 So I would say that we're definitely open to  
24 it but it's not part of the plan of this facility  
25 at this time.

1 MR. LYNCH: You mentioned the health and welfare of the  
2 grid. Is that something that would have to be  
3 approved by the ISO?

4 THE WITNESS (Keller): Again, Andrew Keller from Santa  
5 Fuel. It would depend on the size of the battery  
6 system, but typically at the -- at the scale of  
7 this project in this area, it would more than  
8 likely be an Eversource approval process at this  
9 time that we would have to go through.

10 So that, that would be likely the path for  
11 approval at the utility level.

12 MR. LYNCH: All right, thank you. And regarding the  
13 transformer, who controls the transformer?  
14 Yourself, or is that an Eversource project?

15 THE WITNESS (Keller): Again, Andrew Keller from Santa  
16 Fuel. It's my understanding that, and Martin  
17 could please correct me if I'm incorrect in this  
18 statement, that the transformer is -- we are the  
19 owner of the transformer. That's how it's  
20 typically handled with most other utilities that  
21 I've interacted with.

22 But Martin, is that correct in Connecticut  
23 with Eversource?

24 THE WITNESS (Mija): Yes, Martin Mija with Louth Callan  
25 Renewables here. Yeah, so the point of

1 demarcation here between Eversource-owned  
2 equipment and customer-owned equipment is on that  
3 fourth pole. So everything that is downstream of  
4 that pole is customer owned equipment and operated  
5 by the customer.

6 So that includes the transformers, surge  
7 boards, inverters and all of the panels.

8 MR. LYNCH: All right. Thank you. Now, this is just a  
9 question. I don't know if you can answer it or  
10 not, but in regards to the reference to the use of  
11 the land, it's an irrevocable trust.

12 Now my understanding of irrevocable trust is  
13 they cannot be changed at all. They cannot be so  
14 once they're agreed to, you know, that's, you  
15 know -- I guess what I'm not being -- in legalese,  
16 I'm not sure how irrevocable trusts work. I just  
17 know they can't change.

18 THE WITNESS (Keller): Again, Andrew Keller from Santa  
19 Fuel. I am not a lawyer either on that front.

20 Again, my understanding is that the family  
21 put the properties into this type of irrevocable  
22 trust for future planning purposes, for their  
23 legacy planning of future generations.

24 From a change perspective, again, I can't  
25 speak to the legalities of it, but the authority

1 to enter into a lease agreement to allow us to  
2 move this project forward is in the control of the  
3 trustees of the -- of the irrevocable trust.

4 So yeah, I can't speak to changes within  
5 who's in control or not, but I can speak to the  
6 fact that they were -- they were granting legal  
7 authority for us to, you know, use this property  
8 as we have been for permitting and ultimately for  
9 the construction of this project under there,  
10 their current, you know, ability.

11 MR. LYNCH: Okay. With regards to the SHPO in the  
12 archaeological studies, does that involve the  
13 Native American tribes in our area as far as that,  
14 that study? I know it was a phase one. Are they  
15 involved?

16 I know there a couple of them sit on the  
17 board of SHPO, but, you know, are the Native  
18 Americans, you know, consulted, I guess, is what I  
19 want to say?

20 THE WITNESS (Coon): Tim Coon, J.R. Russo. And  
21 that's -- that's a good question. I don't believe  
22 there's a requirement to consult with them unless  
23 you are on tribal-owned lands or in the proximity  
24 of tribal-owned lands, which this is not. And I  
25 believe it would have been, if that would have

1           been a requirement, it would have been directed in  
2           the letter from SHPO that first called for the  
3           archaeological study.

4   MR. LYNCH: I just was wondering whether SHPO  
5           incorporated, you know, it in there, because I  
6           know the Narragansetts are very active in that, in  
7           this part of the state.

8   THE WITNESS (Coon): Yeah, I'm assuming that they would  
9           have led us in that direction had it been  
10          required.

11   MR. LYNCH: That's fine. I'll move on.

12   THE WITNESS (Coon): Okay.

13   MR. LYNCH: As far as emergency services, you know,  
14           have you consulted or are you going to have the  
15           local fire department, which is probably a  
16           five-iron from your site, you know, down the road,  
17           are they going to require any special equipment  
18           for fighting fires or rescue?

19   THE WITNESS (Keller): Andrew Keller from Santa Fuel.  
20           And Tim, feel free to jump on if there's been any  
21           communication from the engineering side. But our  
22           typical normal course of business plan is upon  
23           approval of a project, and as we move closer to  
24           the construction period, to be proactive in  
25           reaching out to the local resources to make sure

1 that they're comfortable with our safety plan,  
2 comfortable with the, you know, how they would  
3 interact with the facility if there was some type  
4 of a fire event in or outside of the -- the  
5 facility.

6 That the typical overarching position that we  
7 take in that regard is if the -- if a fire event  
8 occurs outside of our facility, we would like the  
9 fire department to protect our facility as if it  
10 was a residential or commercial structure. If  
11 there was a fire that began inside the facility,  
12 inside the fence line, we would not be looking  
13 necessarily for them to fight an electrical fire  
14 because they're probably not equipped to do so,  
15 and therefore protect everything around it in the  
16 other direction.

17 So that that's just at a very high level with  
18 the intention of how we interact with those folks.  
19 And then at the police department level,  
20 obviously, as Martin had shared earlier, with the  
21 kind of ongoing operations and maintenance  
22 capacity, if the facility came -- came offline for  
23 some reason, and it wasn't related to the grid  
24 being shut down for some, you know, purpose, there  
25 would be a reason to go out, if it was prolonged,

1 to go out to the facility to see if there was  
2 some -- some somebody that was getting curious or  
3 trying to take equipment off site.

4 Again, that's where we would -- we would lean  
5 on the police resources to help protect our  
6 facility, no different than a home or a business.

7 MR. LYNCH: I know one of the chief concerns of all the  
8 fire departments, paid or volunteered, is that  
9 these panels are always hot, and that puts their  
10 crews in jeopardy. My question is, is this  
11 something any training you can give them, and how  
12 to avoid, you know, you guys being electrocuted?

13 THE WITNESS (Keller): Yes. Again, Andrew from Santa  
14 Fuel. Absolutely. Definitely aware of those  
15 concerns in other communities we've worked in  
16 across New England, so there would be a pretty  
17 specific protocol that, again, depending on how  
18 many of these applicants have -- applications have  
19 come in front of them in this community or  
20 surrounding communities.

21 There's -- there's been quite a bit of  
22 collaboration amongst fire departments to share  
23 good practices, things they've learned in, you  
24 know, in the good, the bad, and the ugly, so to  
25 speak. And so again, we would -- we would

1 definitely take -- take a proactive approach to  
2 make sure that they understand that there's an  
3 interaction with the utility, interaction with  
4 the -- with the project owner, back to that point  
5 earlier in the discussions regarding, you know.  
6 Emergency contacts, and then the ability,  
7 obviously, to shut the system down either remotely  
8 or, you know, mechanically on site.

9 But again, leaning on the -- the experts, aka  
10 the utility, to make sure that everything is,  
11 every personnel is protected at the electrical  
12 side as well as the fire and police department  
13 side.

14 MR. LYNCH: Thank you. One, I think, simple question  
15 is, you're on adjacent to Route 83, and during the  
16 construction period, would you have to get a  
17 traffic study done by the DOT for the traffic?

18 THE WITNESS (Coon): Tim Coon with J.R. Russo. We  
19 don't anticipate the need to have a traffic study  
20 done. However, when we go to the DOT for an  
21 encroachment permit, they will spell out what  
22 their requirements are.

23 MR. LYNCH: Now, my last questions involved the  
24 leasing, and not your particular lease. I don't  
25 want to know anything about the lease, but -- and



1 this is more of a curiosity question on my part.

2 I heard on the radio the other day that  
3 there's companies out there buying up the leases  
4 from what you would call cellular fields and  
5 telecommunication leases. You know, is that  
6 something you've heard of, or is that something  
7 you're aware of that people are, you know, going  
8 to the -- in this case, the landowner would be  
9 leasing you the land and him going into  
10 negotiations to sell the lease to somebody?

11 Have you heard of that?

12 THE WITNESS (Keller): Yes. Again, Andrew Keller from  
13 Santa Fuel. Absolutely, we have. There are some  
14 very reputable organizations in the industry that  
15 come from the solar, our solar industry as a  
16 whole, that have put together those type of  
17 financial funds that allow for landowners, if  
18 they're interested in receiving an upfront payment  
19 versus waiting year to year to get paid for the  
20 lease, that there is an option for that, not  
21 unlike what you just described, you know, an  
22 annuity from a lottery winning is a good example.

23 A telecommunication lease is a great example.

24 So in the solar business, those are becoming  
25 more real. And again, I'm sure there's some bad

1 actors out in this, in the industry, out there in  
2 the world, but I can speak to some of the  
3 organizations I have communicated with and they  
4 are reputable and it's -- it's a fair process and  
5 it does allow for, our leases do allow for  
6 assignability from the current landowner to a new  
7 landowner, if they ever chose to sell their land  
8 for some reason, or if they wanted to entertain a  
9 change in ownership with a mechanism like this.

10 So yes, the answer is that is out there and  
11 it is reputable with reputable companies.

12 MR. LYNCH: You anticipated two of my next questions.

13 One, if the landowner decides to sell the  
14 property, do you still, are you -- I guess are you  
15 still on, is your lease still good, I guess, is  
16 what I'm asking?

17 THE WITNESS (Keller): Yes. Andrew Keller, Santa Fuel.

18 Yes, absolutely. To that assignability comment I  
19 made, there's full rights to both parties to  
20 assign the lease to a new -- a new buyer.

21 Typically, when it comes on the direction of the  
22 project owner, there's, and not specific to this  
23 site, but just generally speaking, there are  
24 usually restrictions around the financeability of  
25 the project being sold.

1           And what I mean by that is, we couldn't go  
2           sell it to somebody that doesn't show proof that  
3           they have industry experience, financial capacity,  
4           et cetera. So we could have the right to do that  
5           per the lease, but also the landowner would have  
6           the right to sell the property to their friend, to  
7           their neighbor, or to a stranger who's interested  
8           in owning a piece of land with a solar facility on  
9           it for all kinds of reasons.

10           So yes, there is that free assignability in  
11           these leases.

12       MR. LYNCH: You keep leading into my next question  
13           here. What if a corporation like GE or Raytheon  
14           or an individual person like Charlie Koch came  
15           along and said, we want to buy your project, would  
16           all -- I think you answered the question that all  
17           the leases would say grandfathered and not be  
18           impacted. Am I correct?

19       THE WITNESS (Keller): Yes. And Andrew Keller, Santa  
20           Fuel. Absolutely, and there is a step within that  
21           process, which using an estoppel agreement, and  
22           what that really does is it validates the terms  
23           and conditions of the agreement at the point at  
24           which there is going to be a change in ownership.

25           So as the landowner, if there was a change to

1 any of those entities you just referred to or  
2 people, the -- the landowner is protected because  
3 they entered into this contract in good faith with  
4 the understanding of the terms and conditions.  
5 And so the only way that we have the legal ability  
6 to do something like that, you know, in this  
7 example would be that they would have to  
8 reinstate -- or restate, I should say, what the  
9 terms and conditions were when they, when the  
10 landowner entered into this agreement with us and  
11 the new buyer would have to honor those for the  
12 protection of the landowner.

13 MR. LYNCH: Thank you, Mr. Keller.

14 Mr. Morissette, those are all my questions.

15 THE HEARING OFFICER: Thank you, Mr. Lynch. I will now  
16 commence with my questioning. My understanding is  
17 that this project has not been selected as part of  
18 any RFP process and at this point does not have a  
19 PPA in place. How does that impact the viability  
20 of this project going forward?

21 THE WITNESS (Keller): Andrew Keller, Santa Fuel.

22 Thank you, Mr. Morissette, for the question.

23 So I won't go too deep down the rabbit hole  
24 on this from my perspective of the industry, but  
25 what I will share with you, Mr. Morissette, is

1 that there has been -- there are a lot of starts  
2 and stops at the state level when it comes to the  
3 different incentives that support solar projects.

4 And what we've decided to do, part of our  
5 strategy is always to entertain those local  
6 incentive programs specific to the state that  
7 we're operating our facility in. But in addition,  
8 we've taken a little bit more of a New  
9 England-wide corporate responsibility strategy  
10 with how we would sell our power.

11 And what I mean by that is that we are  
12 looking to help the community of New England as a  
13 whole on ways to offset the emissions that we  
14 otherwise are impacted by from traditional fossil  
15 fuel power plants.

16 So the way that we do that is we have a  
17 different direct power purchase agreement strategy  
18 with large corporations and entities that emit a  
19 lot of, you know, negative things into the New  
20 England-wide community. And so we are actively  
21 working with different entities across New  
22 England, including some in Connecticut, that would  
23 be interested in buying our power and the  
24 environmental attributes of our project in what we  
25 would consider a direct power purchase agreement.

1           So it's more following the wholesale retail  
2           supply mechanism for how power is purchased and  
3           sold versus using a local incentive.

4   MR. LYNCH: Thank you for that. Just a follow-up. So  
5           will the project go forward without a contract, or  
6           will you wait until the contract is in place  
7           before you commence construction, for example?

8   THE WITNESS (Keller): Yes. Again, Andrew Keller from  
9           Santa Fuel. Good follow-up question,  
10          Mr. Morissette. I would say we are actively in  
11          negotiations with multiple potential buyers now.  
12          And the expectation that we have been setting with  
13          those buyers, because most of these buyers we're  
14          engaging with have very large appetites for  
15          electricity.

16                 And so this would be a project in a portfolio  
17                 of other projects we have that are at different  
18                 stages of approvals in different parts of New  
19                 England. And so we set the expectation that this  
20                 project is where it is in the permitting cycle,  
21                 like with your -- your committee, for example, and  
22                 the utility.

23                 So it's my expectation as -- as in being in  
24                 charge of development and where I am in the  
25                 process is to ensure that the offtake is likely in

1 place in the next 60 to 90 days. So we'll have  
2 enough time to work through your process, continue  
3 through the process with Eversource, which is  
4 typically the longest lead time issue we have in  
5 the development cycle.

6 And our -- our goal would be to have that  
7 offtake in place. To answer your question  
8 directly, we would not be able to move forward  
9 without an offtaker for the project.

10 **THE HEARING OFFICER:** Very good, thank you. I would  
11 like to go to the site plan, specifically plan  
12 four of eight. I've got several questions  
13 associated with it.

14 My first question is, there's an existing  
15 house at 159 South Road. Is that house occupied?  
16 And is that the owner of the property through the  
17 trust? And what's going to happen with that  
18 property?

19 **THE WITNESS (Keller):** Yes. Andrew Keller again from  
20 Santa Fuel. I can speak to the ownership. Tim if  
21 you have any engineering related comments to add,  
22 feel free after I'm completed.

23 But yes, that that property is the son of one  
24 of the trustees. I don't remember how long he's  
25 lived there, but I think it's been for a very long

1 time and was -- was the conduit between ourselves  
2 as Santa Fuel and his -- his mom and his aunt, who  
3 are, again the two trustees of the trust.

4 And he was one that was interested in this  
5 as -- as a viable solution to -- for legacy  
6 purposes, for their legacy planning as a family.  
7 He's a little bit of an older gentleman as well,  
8 so it's kind of maybe for his children, you know,  
9 the grandkids in the -- in the family.

10 And so he will continue to live there and --  
11 and has been very supportive of this project.

12 Tim, did I miss anything on that?

13 THE WITNESS (Coon): No. No, that was it.

14 THE WITNESS (Keller): Okay.

15 THE HEARING OFFICER: Thank you.

16 THE WITNESS (Keller): Thank you, Mr. Morissette.

17 THE HEARING OFFICER: Using the same map sheet and  
18 referring to the response to question 18,  
19 specifically D. I think it was Mr. Silvestri  
20 referred to the property of Karen Murphy, which is  
21 187 South Road.

22 It says here that the perimeter fence is  
23 approximately 66.5 feet to the residence. So  
24 that's to the building. Now, if I look at this  
25 overview and I look at Karen Murphy's property, I



1 see that white solid line that goes east to west.  
2 It goes right through her house.

3 Is that the property line?

4 THE WITNESS (Coon): Tim Coon with J.R. Russo &  
5 Associates. It's always a challenge to try to  
6 overlay these property lines on any type of aerial  
7 photograph.

8 The more accurate one would be to point you  
9 to sheet six, which actually includes the survey  
10 and the location of the fence. If you're going to  
11 measure distances, I would refer to that sheet.  
12 Unfortunately, that sheet doesn't show where the  
13 house is located. But --

14 THE HEARING OFFICER: Okay. If we could do that, let's  
15 go to sheet six.

16 THE WITNESS (Coon): Yeah?

17 THE HEARING OFFICER: So the dashed line with the solid  
18 line is the property line. Is that correct?

19 THE WITNESS (Coon): Correct. Yeah, the one to the  
20 right.

21 THE HEARING OFFICER: And the solid line is what?

22 THE WITNESS (Coon): All right. So if maybe I'm --  
23 there's the -- the line to the right.

24 THE HEARING OFFICER: Yeah?

25 THE WITNESS (Coon): Which is actually, it's a solid

1 with two dashes and then solid, two dashes. That  
2 is the property line.

3 THE HEARING OFFICER: Okay.

4 THE WITNESS (Coon): Then as you move to the left,  
5 you're going to see a 25-foot side yard. That's a  
6 25-foot offset from the property line.

7 THE HEARING OFFICER: Okay.

8 THE WITNESS (Coon): Then the dashed line is actually  
9 the silt fence, and then the fence is way on the  
10 other side of the berm.

11 THE HEARING OFFICER: Okay. Got you. So that solid  
12 line is really just to represent the 25-foot  
13 buffer between the property line and the fence?

14 THE WITNESS (Coon): Correct.

15 THE HEARING OFFICER: Is that a fence?

16 THE WITNESS (Coon): It's not a fence. It's just it's  
17 a side yard. It's, essentially it's the building  
18 setback that the Town of Somers regulates for this  
19 zone.

20 THE HEARING OFFICER: Okay. Well, as other Council  
21 members have voiced their opinion on, I'm also  
22 concerned about the 25 feet from the property  
23 line. So basically, you know, you've got 65 feet  
24 from the solid line to the 65 feet to the house.  
25 So that's getting kind of close in my opinion.

1           Okay. As you know, Route 83 is a very well  
2 traveled route, state route. And this property is  
3 fairly close to the center of Somers. And I think  
4 Geissler's is right around the corner. So there's  
5 a lot of activity associated with this project.

6           So I also do support some additional visual  
7 tree impact in the front where the berm is in the  
8 water basin, so just to keep that in mind. I  
9 would like to turn to the interconnection now.

10           Now my understanding of it, and correct me if  
11 I'm wrong, is that what I've heard this afternoon  
12 is that there's a primary distribution line that  
13 goes all the way up Route 83 to the center of  
14 Somers. And based on what I heard this afternoon  
15 is that line is over capacity and is not able to  
16 accept the output of the solar facility.

17           Is that correct?

18 **THE WITNESS (Keller):** Yes. Andrew Keller from Santa  
19 Fuels. That is a correct statement. What Martin  
20 had shared earlier is that going up and around to  
21 the next circuit, which starts around the corner  
22 is -- was the only way that we could find the  
23 right amount of capacity for this project.

24           And what was stated earlier on the reason we  
25 were not going through our parcel of land to that

1 road directly is because of the -- some of the  
2 concerns from a traffic perspective, the turn as  
3 you go up that road.

4 And -- and there are -- there were some  
5 steeper, you know, slopes at the edge of the road  
6 that we would have to manage as well. So this was  
7 the solution to get our power to that circuit that  
8 does have capacity.

9 THE HEARING OFFICER: Okay. So you mentioned an  
10 overbuild. Can you describe to me what an  
11 overbuild is? So basically you have a standard  
12 distribution pole and you have a primary circuit  
13 on the top, and you're going to add an additional  
14 primary circuit to connect to what street is it?  
15 Mountain View Road. Correct?

16 THE WITNESS (Keller): Correct. Martin would -- Andrew  
17 Keller, Santa Duel.

18 I know there's a couple different techniques  
19 on how you can, quote-unquote, overbuild on an  
20 existing line. Martin, would you like to -- do  
21 you have some specifics you might like to share  
22 with Mr. Morissette on that?

23 THE WITNESS (Mija): Yeah, so that -- Martin Mija,  
24 Louth Callan Renewables. So ultimately that is  
25 going to be Eversource's decision.

1           But as we stated previously, the current  
2 design intent is to use the poles that are on the  
3 western edge of South Road as the location of the  
4 overbuild as a way to minimize the amount of  
5 additional poles that will need to be installed.

6           So typically they could either build up on  
7 the existing infrastructure by extending the pole  
8 slightly, or what we have seen is just staggering  
9 the poles on the existing pole lengths.

10          Ultimately, that decision comes up -- is in  
11 Eversource's domain since that is their scope of  
12 work.

13 **THE WITNESS (Keller):** And Andrew Keller Santa Fuel.

14          If I may add to that? Martin and Mr. Morissette,  
15 another solution I've seen before is they -- they  
16 split the existing line and they put it in,  
17 instead of being a typical cross-arm, three-phase  
18 line across the top, they put it in more like of a  
19 helix.

20          Which you may have seen more recently when  
21 they're installing/upgrading lines, you see more  
22 of a helix style. And what I've seen where they  
23 put a helix on one side of the pole and a helix on  
24 the other side of the pole -- so to Martin's  
25 point, you're using the same infrastructure and

1           you're not physically changing the height.

2           Again, the utilities obviously have their own  
3 height restrictions they have to abide by as well.  
4 So again it comes to the construction planning of  
5 Eversource, but those are -- those are some  
6 different examples I've seen in my experience.

7 **THE HEARING OFFICER:** So at this point you don't know  
8 the extent of Eversource's plan for the overbuild  
9 and what that cost would be.

10 **THE WITNESS (Keller):** Andrew Keller, Santa Fuel, that  
11 that is correct Mr. Morissette. We do not have  
12 that information as of yet. We have some  
13 additional indicative numbers from the  
14 distribution level system impact study that's been  
15 completed.

16           As Martin shared earlier, once the -- the  
17 full study work is done at the ISO New England  
18 level then we'll have the full scope of what the  
19 work is. But we do have an indication of what  
20 that looks like at the local level based on  
21 Eversource's study work they've completed.

22 **THE HEARING OFFICER:** Okay. So the circuit that you're  
23 connecting to on Mountain View Road, you're  
24 basically going to go one or two structures up the  
25 road to connect to that circuit.

1 THE WITNESS (Keller): Yes.

2 THE HEARING OFFICER: Is that right?

3 THE WITNESS (Keller): Yes. Andrew Keller, Santa Fuel,  
4 yes. That I think Martin shared that earlier. I  
5 think we're going up only one pole length off of  
6 Route 83 up Mountain View Road to the first pole  
7 where that circuit begins.

8 THE HEARING OFFICER: Okay. Sorry to go over this  
9 again, but -- and at this point you don't know if  
10 those poles, the distribution poles along Route  
11 83, to accept the overbuild will need to be  
12 replaced or not.

13 THE WITNESS (Keller): Again, Andrew Keller, Santa  
14 Fuel. I'm going to refer to Martin. Martin, do  
15 you know, remember if within the distribution  
16 system impact study that they went to that level  
17 of granularity on the results?

18 Or were they just giving us kind of a  
19 plus-or-minus 25 percent estimate based on the --  
20 the engineering work that's been completed, not  
21 necessarily the construction planning work that  
22 will start later in -- in our permitting process?

23 THE WITNESS (Mija): Yes. Martin Mija, Louth Callan  
24 Renewables. Yeah. Andrew, you're correct. It  
25 was a preliminary cost estimate. I'm not sure

1 about the level of detail that was included, and  
2 if the determination was made on potential pole  
3 replacement at this point.

4 THE HEARING OFFICER: Okay. Thank you. That it seems  
5 to me that your proposed interconnection here is  
6 going to be extremely costly.

7 Any comment on that?

8 THE WITNESS (Keller): Yes. Andrew Keller, Santa Fuel.  
9 We -- we already have, as I stated there,  
10 Mr. Morissette, we have received indicative  
11 pricing from the -- the work that is at the local,  
12 at the Eversource level. So we already have that  
13 number. It's -- it's within the budgets that we  
14 had planned on.

15 As Martin and I just shared, they -- they  
16 always give you a plus or minus 25 percent cost  
17 estimate at this stage. So we have that high and  
18 low and the mid-range contingency built in. And  
19 so as of now, we are in -- in a safe place from a  
20 budgeting perspective to -- to do the work that  
21 needs to be done to connect to the Mountain View  
22 Road circuit.

23 What we don't know, to your -- to your point  
24 and concern, appropriate concern, is until the  
25 kind of higher level group study work that's



1 completed with ISO does get completed, we don't  
2 know if there's anything, I'll say, upstream that  
3 needs to be improved, replaced, et cetera, on the  
4 circuit or at the substation or otherwise that  
5 could impact the costs.

6 But at this point, we were comfortable with  
7 the current budget at the local connection points  
8 here that we're discussing today. And we keep our  
9 fingers crossed that the other items will be  
10 cost-effective or hopefully non-existent.

11 **THE HEARING OFFICER:** Okay. Thank you. I, too, am  
12 concerned about the seven poles that will be  
13 installed along the access road and would  
14 encourage Eversource to look into installing pad  
15 mount equipment along that area and to go  
16 underground for the remainder.

17 And given that, considering that you have an  
18 alternative access coming off of Mountain View  
19 Road that would be directly connected to the  
20 circuit that you are connecting to without having  
21 to go down 83, it would seem to me that the cost  
22 associated with using that access road for  
23 interconnection and the cost for Eversource,  
24 Eversource to do the build-over and the increased  
25 cost for you to grade the access road going up to

1 the site, that the economics associated with  
2 dictate that you would, economically, it would be  
3 beneficial for you to use the access road off of  
4 Mountain View Road.

5 THE WITNESS (Keller): Yeah. Again, Andrew Keller from  
6 Santa Fuel. Fair statements, Mr. Morissette. And  
7 I think what we addressed earlier in the  
8 conversations is that we were seriously exploring  
9 that option off of Mountain View Road for all the  
10 reasons you just stated.

11 But -- and maybe Tim could speak to this a  
12 little bit more in detail if needed, but some of  
13 the challenges with gaining access off of Mountain  
14 View Road because of some of the topographical  
15 challenges on the -- on the edge of the road  
16 there, even when as far, when we presented that to  
17 the landowners who have lived here for a very long  
18 time.

19 Like you know, the name Nancy B. Edgar here  
20 is one of the trustees, and she lives right there,  
21 and she was fine with it conceptually, but she had  
22 told us many stories of people coming down that  
23 road, Mountain View Road, and, you know, that turn  
24 has caused some challenges from a traffic  
25 perspective. Mailboxes have been, you know,

1 clipped occasionally.

2 So we felt between the topographical  
3 challenges and the concerns potentially with DOT,  
4 the need for getting some view, I think they call  
5 them viewshed easements, or view easements that we  
6 need to get to make sure that the line of sight  
7 could never be vegetated for the life of the  
8 project, created some undue challenges on the  
9 project that would be, if not for being able to  
10 connect on Route 83 if that circuit was available.

11 That was our original plan, Mr. Morissette,  
12 until we found out more information, we spent the  
13 time and money with Eversource to learn that our  
14 only place to get capacity was on Mountain View  
15 Road, it would have been much easier to come right  
16 off of Route 83 in a couple of different places we  
17 could have entered into this site.

18 But for those reasons, that's why we've, you  
19 know, opted for this solution and did our best to,  
20 you know, mitigate concerns around that access.

21 So, Tim, is there anything else you'd like to  
22 add or has that, kind of, covered most of it?

23 THE WITNESS (Coon): No. No, you covered it. I just  
24 want to emphasize that really it's -- it's the  
25 sightline around those corners based on the

1 topography and the elevations that makes it very  
2 difficult for any access road to be placed there  
3 and have the visibility to safely see up and down  
4 that road around those corners and not create a  
5 safety issue.

6 So that's really one of the main reasons that  
7 we relocated the entrance up to South Road.

8 THE WITNESS (Keller): Andrew -- oh, sorry.

9 THE HEARING OFFICER: Yeah, I know. I know the road,  
10 it's a steep road and it's a thin road.

11 THE WITNESS (Keller): Yeah, and if I may? Andrew,  
12 from Santa Fuel, one last point I forgot to  
13 mention, which I think Martin talked about earlier  
14 and some of the other folks on your committee  
15 asked the question about access and the utility  
16 needing access to the poles and the lines to the  
17 site.

18 That became another challenge because, you  
19 know, to come -- you could do, like, a you could  
20 run the lines through the woods, so to speak, in  
21 theory. But because of the nature of these type  
22 of facilities, Eversource would want to have a  
23 physical access to the poles in case they had to  
24 ever do any work on their side of ownership, as  
25 Martin was just talking about.

1           So we would have to make that access  
2 available to Eversource from the -- that fourth  
3 pole backwards. And that, too, became a challenge  
4 to allow Eversource, you know, a truck to come  
5 down those turns and get into that access road  
6 safely. So I think for all, again, for all those  
7 reasons, it was a cleaner path to do it off of 83.

8 **THE HEARING OFFICER:** Well, given that, I mean, that's  
9 a wooded area up there. You could have seven  
10 distribution poles in there. And Eversource's  
11 trucks could get in there and no one would ever  
12 see them, and they would never see the poles.

13           So it would clearly be -- visually it would  
14 be unseen.

15 **THE WITNESS (Keller):** Yes.

16 **THE HEARING OFFICER:** So it seems to me, you know, I'll  
17 have to do some research as to how curvy that road  
18 is, but it seems to me your original idea for the  
19 access is probably the better. Okay. We'll move  
20 on from that subject.

21           Let's see. On the interrogatory response to  
22 57, can you tell me the Town of Somers, do they  
23 have their own noise requirement?

24           Or are they using the State's?

25 **THE WITNESS (Mija):** Martin Mija, Louth Callan

1 Renewables. So that was based on the DEP guidance  
2 that relates back to the Town of Somers ordinances  
3 specifically.

4 THE HEARING OFFICER: Okay.

5 THE WITNESS (Mija): Yeah.

6 THE HEARING OFFICER: That's what I thought. Let's  
7 see. What else?

8 Okay. So just to summarize, the couple  
9 things that I'm concerned about is the  
10 interconnection, the access road, the  
11 interconnection having to do with pad-mount  
12 transformers, excuse me, switchgear and so forth.

13 I am concerned about the distance from the  
14 abutter to increase, increase that distance beyond  
15 the 25 feet just so you know where I am coming  
16 from. So that concludes my cross-examination for  
17 this afternoon. Thank you everyone for your  
18 responses.

19 And what we will do at this point is we're  
20 going to go back through the Council and see if  
21 there's any follow-up questions at this time. So  
22 with that, Mr. Mercer, do you have any follow-up  
23 questions?

24 MR. MERCIER: Yes, I do have a few.

25 THE HEARING OFFICER: Thank you. Go ahead.

1 MR. MERCIER: Thank you. Just going back, I'll refer  
2 to sheet number four on the site plan. Earlier  
3 there was a discussion that if a larger buffer was  
4 created at the south property line, I believe  
5 that's the 187 South Road parcel there. Right now  
6 it's 25 feet, and if it was enlarged, it would  
7 have reduced the capacity of the project.

8 I assume that means you want to remove -- you  
9 would have to remove panels. Is that correct?

10 THE WITNESS (Coon): I believe so, yes.

11 MR. MERCIER: Okay. Why couldn't the entire project  
12 just be moved 10 to 15 feet to the north?  
13 Everything stays the same. You might have to  
14 regrade the access road a little bit and the  
15 basin, but just move the entire project about 10  
16 to 15 feet. What's preventing that option?

17 THE WITNESS (Mija): Martin Mija. And Tim, feel free  
18 to add as needed, but I believe there is an  
19 additional side yard setback to the north there  
20 that we are also maintaining of 25 feet.

21 MR. MERCIER: Right, but isn't that side yard --

22 THE WITNESS (Mija): If we had moved the entire array  
23 and project up by 15 feet, that would have impeded  
24 into that, that setback.

25 MR. MERCIER: Correct, but isn't that parcel owned by

1 the landowner of the host parcel?

2 THE WITNESS (Keller): Andrew Keller, Santa Fuel. Yes,  
3 that's correct. It is the same owner. It's --  
4 it's -- let me rephrase that. It's a separate  
5 trust, but the same, one of the same trustees is a  
6 trustee of both, both properties.

7 MR. MERCIER: Okay. So it is feasible shifting the  
8 project, even though it might intrude on the  
9 town's 25-foot setback. Is that correct?

10 THE WITNESS (Coon): I believe it's potential -- we'd  
11 have to look at how it would impact all the  
12 gradings up, and the access drive, but there's --  
13 there is the potential, I suppose.

14 MR. MERCIER: Okay. Thank you. Also looking at this  
15 diagram, you know, there's a lot of forest to the  
16 east. You know, come in the fall, is there any  
17 type of leaf pickup by the maintenance crews, or  
18 you just let them blow away?

19 What happens with all the leaves that fall  
20 into the array area?

21 THE WITNESS (Keller): Yeah, Andrew from Santa Fuel.  
22 Yeah. Yes, we like -- we let Mother Nature take  
23 its course with things like that. It's more  
24 the -- the larger scale issues like, like if that  
25 area, if there was a storm and there were any



1 limbs that came down that were starting to  
2 potentially come close to the fence line, we'd  
3 have to go out there, part of the operations and  
4 maintenance to take care of that.

5 But yes, snow, leaves, ice, we let Mother  
6 Nature take its course, and unless it's a real  
7 systemic issue like a major storm event.

8 Sometimes there might be some -- some O and M  
9 efforts out there, but we're not concerned about  
10 leaves on the panels.

11 MR. MERCIER: The panels themselves, what about like  
12 blowing into the basin and blocking the  
13 infiltration trenches, you know, through leaf  
14 buildup or, you know, you have these spruces and  
15 you're supposed to have drainage through the  
16 spruces on the south basin?

17 But if there's leaf buildup in the branches  
18 there, it could divert water. I mean, what would  
19 you do in that regard?

20 THE WITNESS (Coon): Tim Coon with J.R. Russo &  
21 Associates. There is -- maintenance of the basins  
22 is -- is something that's going to have to happen  
23 annually. They will have to be inspected and if  
24 there is an issue with leaf buildup that's either  
25 blocking the outlet structure or the bottom of the

1 basin, then they would -- they would have to come  
2 in there and remove that.

3 So there yes, there is a maintenance schedule  
4 for the basins on the site plans that does call  
5 for, you know, annual inspections and take  
6 measures necessary to -- to keep that basin  
7 functioning.

8 MR. MERCIER: Okay. And also for the vegetation  
9 landscape that you'd be planting, mostly the white  
10 spruce right now. If there was dieoff, say, after  
11 five years of planting, would they be replaced?  
12 You know, specific trees that die?

13 And is that in the O and M plan?

14 THE WITNESS (Keller): Andrew Keller from Santa Fuel.

15 Tim, did you want to -- do we have anything in our  
16 plans for that, or do we?

17 THE WITNESS (Coon): Yeah, I'm just looking at -- and I  
18 do not believe there's anything specific in the O  
19 and M plan for trees that -- that do not survive.

20 I know typically there is part of the  
21 contract with a construction company and whoever  
22 the planter is, there's always a one-year  
23 guarantee on any of the plantings, but beyond that  
24 I do not believe there's any provisions in the O  
25 and M plan.

1 THE WITNESS (Keller): Right. And Andrew from Santa  
2 Fuel. I would just add that, you know, it's not  
3 uncommon to be a condition of an approval to, you  
4 know, maintain growth for a certain number of  
5 years to make sure that the growth is mature.

6 I -- I have seen that before in -- in other  
7 conditions, as a suggestion to the Council.

8 MR. MERCIER: Okay. Thank you very much.

9 I have no other questions.

10 THE HEARING OFFICER: Thank you, Mr. Mercier.

11 Mr. Silvestri, any follow-up questions?

12 MR. SILVESTRI: Thank you, Mr. Morissette. It's  
13 amazing how questions and answers could spur other  
14 types of questions. So thank you for the  
15 opportunity.

16 I want to go back to the discussion that  
17 Mr. Nguyen had with Mr. Mija when it was being  
18 discussed about the wattage of the panels. So  
19 when we had a little break, I was looking at the  
20 8,710 panels at 550 watts.

21 And I said, you know, if the panels went up  
22 to 600 watts, you'd cut it down to 8,000 panels, a  
23 difference of 700. So not knowing where the  
24 project is going to go, obviously, or what type of  
25 panels you're going to get, in my head, I'm

1 thinking that if the panels have a bigger wattage  
2 out of it, it's feasible that you could create a  
3 bigger buffer with the wetland construction as  
4 well as that southern array at 187 South.

5 But I also looked at the response to  
6 Interrogatory Number 26, and it says SFI would  
7 contemplate a project down to one megawatt. So  
8 when I look at that, I think there's the  
9 feasibility of doing both, of creating a bigger  
10 wetland buffer as well as a bigger buffer to that  
11 resident at 187.

12 And I'd just like to hear your comments.

13 THE WITNESS (Keller): Yeah, thank you. Andrew Keller  
14 of Santa Fuel. A couple things there. First,  
15 I'll start backwards.

16 The one megawatt contemplation was mostly  
17 identified initially for the purposes of if the --  
18 if the study that we're doing with ISO New England  
19 came back and said to do the project with that  
20 size -- I'm making numbers up -- you have to spend  
21 \$5 million to upgrade something upstream. But if  
22 you do a megawatt, you wouldn't.

23 So the scalability, usually when we speak to  
24 scalability, it's mostly related to those, those  
25 financial impacts to the project that are -- that

1 otherwise you wouldn't have a project.

2 But to your point about the panel sizes and  
3 wattage -- and Martin may be able to chime in here  
4 and add some color for you, but there's the  
5 balancing act between the wattage of a panel and  
6 the -- the physical size of the panel.

7 Like, are the -- is there a 600 watt panel  
8 that's the same size as the 550 panel, and  
9 therefore everything stays the same? Or are you  
10 now expanding the inner -- the spacing between the  
11 panels because your panel itself is getting  
12 bigger, bigger on the racking, and therefore you  
13 have to make sure you're not shading the panel.

14 So there's some give and take there on how  
15 the panel, wattage, and footprint, and inter-row  
16 spacing interact with each other. So I'm going to  
17 stop there.

18 Martin, is there anything else you'd like to  
19 add? Did I miss anything there related to how the  
20 wattage is in the physical footprints of the  
21 panels? Did I capture that correctly, or is there  
22 anything more you'd like to add?

23 **THE WITNESS (Mija):** Yeah, Martin Mija, Louth Callan.

24 Andrew is completely right. So as you do increase  
25 the wattage of the panels, typically what we find

1 for most manufacturers is that similar form factor  
2 size panels are put into a specific power bin. So  
3 it would anywhere from like 535 to 550 watt is the  
4 entire same length and width as the modules.

5 So as you do increase to the higher wattage  
6 one, since most solar panels are pretty much the  
7 same level of efficiency, it does increase the  
8 length and the width, so that does have material  
9 impacts on the overall length of the tracker rows,  
10 the inter-row spacing for shape concerns, and  
11 other mitigation reasons in regard to -- sorry,  
12 stormwater calculations as required by DEP.

13 So there, there are a couple different  
14 factors that come into play. And larger format  
15 modules don't necessarily give you the same power  
16 density as a lower module -- as a lower wattage  
17 module might.

18 So there's a few different things that come  
19 into play into that one.

20 MR. SILVESTRI: I appreciate both your comments. My  
21 experience, at least from a 550 to a 6', there's  
22 not much change at all in size -- but let me pose  
23 this other question to you.

24 Have you considered looking at double-sided  
25 panels?

1 THE WITNESS (Mija): These -- Martin Mija, Louth Callan  
2 Renewables. These are bifacial panels.

3 MR. SILVESTRI: They are bifacial? Okay.

4 THE WITNESS (Mija): Yes, correct.

5 MR. SILVESTRI: Thank you.

6 THE WITNESS (Keller): And Mr. Silvestri, if I may?  
7 Andrew Keller from Santa. If we can continue down  
8 this path, you know, collaboratively here, and  
9 this might be a question for Tim to answer.

10 Would there -- what would we have to do to,  
11 if we were to impede on that back, that side lot  
12 setback? Like, if we went, you know, 15 feet  
13 instead of 25 feet, is that an approval that this  
14 Council would grant? Or would we have to go back  
15 to the Town for variance because of the -- because  
16 of that impediment on that, that ordinance?

17 I'm just trying to think through what this  
18 Council and what we would have to do at the town  
19 level to see if that's too cumbersome for the  
20 project, if we kept, kept it exactly as is.

21 MR. SILVESTRI: Well, you have more of a legal question  
22 that's beyond my capabilities at this point, so  
23 I'd have to -- I'd have to punt on that one.

24 THE WITNESS (Keller): Understood. Tim, do you have  
25 anything to share on that?

1 THE WITNESS (Coon): And I would probably have to defer  
2 to Melanie or the Council, but it would be my  
3 understanding that -- that this approval is under  
4 the jurisdiction of the Connecticut Siting  
5 Council. And therefore, those zoning requirements  
6 don't necessarily apply.

7 MR. SILVESTRI: Again, I was going to say, in my  
8 situation, though, what I'm looking at is not  
9 decreasing it. I'm looking to increase it.

10 THE WITNESS (Coon): Well, you're increasing at one  
11 end, but decreasing at the other. That's by  
12 shifting it, but I understand and appreciate --

13 MR. SILVESTRI: Well, I like to go both ways -- so I'll  
14 leave it at that. You know my concerns with the  
15 buffers, both for the wetland construction aspect  
16 as well as at 187. We went through the utility  
17 poles as well, and I have to concur with  
18 Mr. Morissette about the line going out to the  
19 distribution part of it, so thank you.

20 Thank you, Mr. Morissette.

21 THE HEARING OFFICER: Thank you, Mr. Silvestri. With  
22 that, Mr. Nguyen, any follow-up questions?

23 MR. NGUYEN: Thank you, Mr. Morissette. I have no  
24 further questions. Thank you.

25 THE HEARING OFFICER: Very good, thank you.



1 Mr. Golembiewski, any follow-up question?

2 MR. GOLEMBIEWSKI: I have no follow-up questions,  
3 Mr. Morissette. Thank you.

4 THE HEARING OFFICER: Thank you.

5 Dr. Near, any followup?

6 DR. NEAR: I have no follow-up questions. Thank you.

7 THE HEARING OFFICER: Thank you. Mr. Lynch, any  
8 follow-up questions?

9 MR. LYNCH: I'm following, Mr. Silvestri, that some  
10 questions lead to other questions.

11 I can safely say I have no questions.

12 THE HEARING OFFICER: Very good. Okay. With that I  
13 have no question, any follow-up questions either.

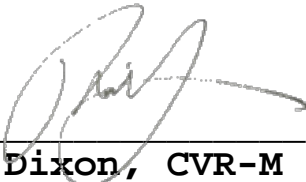
14 So with that, we will, the Council will  
15 recess until 6:30 p.m. At which time we will  
16 commence with the public comment session of this  
17 public hearing.

18 So thank you everyone we will see you at 6:30  
19 for the public comment session. Thank you, and  
20 thank you everybody for your responses this  
21 afternoon.

22  
23 (End: 4:31 p.m.)  
24  
25

CERTIFICATE

I hereby certify that the foregoing 113 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of THE CONNECTICUT SITING COUNCIL in Re: PETITION NO. 1592, SANTA FUEL, INC., PETITION FOR A DECLARATORY RULING, PURSUANT TO CONNECTICUT GENERAL STATUTES §4-176 AND §16-50K, FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND OPERATION OF A 3.85-MEGAWATT AC SOLAR-PHOTOVOLTAIC ELECTRIC GENERATING FACILITY LOCATED AT 159 SOUTH ROAD, SOMERS, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on January 11, 2024.



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

INDEX

WITNESSES

PAGE

Timothy Coon  
Andrew Keller  
Martin Mija 9

EXAMINERS

By Mr. Mercier 11, 103  
By Mr. Silvestri 37, 107  
By Mr. Nguyen 51  
By Mr. Golembiewski 54  
By Mr. Lynch 66  
By The Hearing Officer (Morissette) 84

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25