



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

Hearing Program

Petition No. 1598

Tuesday, April 9, 2024

2:00 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer

B. Administrative Notice taken by Council

FEDERAL

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

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10. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
11. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf
12. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at <https://www.nrel.gov/docs/fy13osti/52615.pdf>
13. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf
16. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Obstruction Evaluation Version 2023-Sep.3*, Notice Criteria Tool available at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
17. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010 (updated April 2018), available at <https://www.faa.gov/sites/faa.gov/files/airports/environmental/FAA-Airport-Solar-Guide-2018.pdf>
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19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

REGIONAL

20. ISO-NEW ENGLAND, INC., *Operational Fuel-Security Analysis*, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf
21. ISO-NEW ENGLAND, INC., *2021 Regional System Plan*, November 2, 2021, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
22. ISO-NEW ENGLAND, INC., *Regional System Plan Project List*, October 2023, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
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26. ISO-NEW ENGLAND, INC., *Final 2023 PV Forecast*, April 28, 2023, available at https://www.iso-ne.com/static-assets/documents/2023/04/2023_pv_forecast_final.pdf
27. ISO-NEW ENGLAND, INC., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
28. ISO-NEW ENGLAND, INC., *New England's Forward Capacity Auction Closes with Adequate Power System Resources for 2026/2027*, March 10, 2023, available at https://www.iso-ne.com/static-assets/documents/2023/03/20230310_pr_fca17_initial_results_final.pdf
29. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER23-1435-000*, March 21, 2023, available at https://www.iso-ne.com/static-assets/documents/2023/03/fca_17_results_filing.pdf

STATE

Connecticut Siting Council

30. CONNECTICUT SITING COUNCIL, PETITION 754 - *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf
31. CONNECTICUT SITING COUNCIL, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
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33. CONNECTICUT SITING COUNCIL, *2022 Analysis of Life-Cycle Costs of Electric Transmission Lines*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport_s.pdf
34. CONNECTICUT SITING COUNCIL, Petition No. 1589, July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, available at https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf
35. CONNECTICUT SITING COUNCIL, Petition No. 1558 – Community Power Group LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1558
36. CONNECTICUT SITING COUNCIL, Petition No. 1572 – East Windsor Solar Two, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1572

Department of Energy and Environmental Protection

37. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised November 2007, available at <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>
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42. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective February 8, 2018, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq., available at https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-174/
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45. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *2020 Integrated Resource Plan for Connecticut*, October 2021, available at <https://portal.ct.gov/DEEP/Energy/Integrated-Resource-Planning/Integrated-Resource-Planning>
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47. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at <https://portal.ct.gov/DEEP/Wildlife/CT-Wildlife-Action-Plan/CT-2015-Wildlife-Action-Plan>
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52. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Coldwater Habitat Interactive Map, available at <https://ctdeepwatermonitoring.github.io/ColdWaterHab/>

Department of Public Health

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Department of Transportation

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Other State Agencies

57. STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies Plan for Connecticut 2018-2023*, December 4, 2019, available at <https://portal.ct.gov/OPM/IGPP/ORG/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>
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70. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
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TECHNICAL

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ENVIRONMENTAL

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MAPS

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86. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Windsor*, December 2023 available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>

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92. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION - Connecticut Official State Maps, available at https://portal.ct.gov/DOT/PP_Bureau/Documents/Maps
93. MAIL-A-MAP STREET MAP, Windsor, available at http://mailamap.com/street_maps
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C. CGS §16-50k Core Forest and Prime Farmland Determinations

1. Department of Energy and Environmental Protection No Material Impact to Core Forest Determination Letter, dated October 4, 2023
2. Department of Agriculture C.G.S. §16-50k No Material Impact to Prime Farmland Determination Letter, dated October 3, 2023
3. Department of Agriculture C.G.S. §16-50k Revised No Material Impact to Prime Farmland Determination Letter, dated November 27, 2023

D. State Agency comments

1. Council on Environmental Quality Comments, dated December 13, 2023
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II. Appearance by Petitioner: Windsor Solar One, LLC (**WSO**)

Representative: Lee D. Hoffman, Esq.
Pullman & Comley, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by Windsor Solar One, LLC, received November 13, 2023, and attachments.
2. Abutter Notice Letters, received December 19, 2023
3. Petitioner Responses to Council Interrogatories, Set One, dated January 23, 2024
4. Petitioner Sign Posting Affidavit, dated January 23, 2024
5. Petitioner Responses to Town of Windsor Interrogatories, dated February 1, 2024
6. Petitioner Responses to Leslie Harrison Interrogatories, dated February 1, 2024
7. Petitioner Responses to William and Jennifer Williams Interrogatories, dated February 1, 2024
8. Petitioner Pre-Filed Testimony of James Cerkanowicz, dated February 1, 2024
9. Petitioner Late-Filed Exhibits, dated March 7, 2024
 - a. Visual Simulations of the Proposed Facility from River Street
 - b. Preliminary DEEP Natural Diversity Database Determination Letter
 - c. Phase 1B Cultural Resources Survey and Additional Documentation
 - d. Revised Site Plans
 - e. Revised Project Layout – Figures 5 & 5A
 - f. Acoustical Study
 - g. Stormwater Report – Revised Sedimentation Basin Worksheet
10. Petitioner Late-Filed Exhibits, dated March 28, 2024
 - a. Revised Spill Prevention and Materials Storage Plan
 - b. Revised Site Plan L-6.1 – Planting Plan
 - c. Erik Bednarek Resume
 - d. Additional Photo Simulations based on revised Planting Plan

C. Swear Witnesses

1. James Cerkanowicz, Manager of Permitting, Verogy
2. Brad Parsons, Director of Design and Permitting, Verogy
3. Bryan Fitzgerald, Director of Development, Verogy
4. Steve Kochis, Project Manager, VHB
5. Jeffrey Shamas, Director of Environmental Services, VHB
6. Michael Kluchman, Senior Landscape Architect, VHB
7. Chris Bajdek, Director of Noise & Vibration, VHB
8. Erik Bednarek, Professional Landscape Architect, VHB

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

E. Cross Examination.

1. Council
2. Town of Windsor
3. Keith and Lisa Bress
4. Grouped Resident Intervenors

III. Appearance by Party:

Town of Windsor (**TOWN**)

Representative:

Robert M. DeCrescenzo, Esq.
Stefan Sjoberg, Esq.
Updike, Kelly & Spellacy, P.C.

A. Administrative Notice.

B. Exhibits for Identification.

1. Town of Windsor Request for Party Status, dated December 8, 2023
2. Town of Windsor Responses to Petitioner Interrogatories, dated February 1, 2024
3. Town of Windsor Map - Example Sectional of Proposed Berm with Vegetation, received February 1, 2024
4. Town of Windsor Map – Windsor Solar One Petition Figure 5 Proposed Project Layout *with added Approximate Distance of Solar Panels to Property Lines Information*, received February 1, 2024
5. Town of Windsor Map - Windsor Solar One Petition Figure 5 Proposed Project Layout *with added Approximate Distances of Equipment to Properties Information*, received February 1, 2024
6. Town of Windsor Pre-Filed Testimony of Eric Barz, dated February 2, 2024

C. Swear Witnesses

1. Gregory C. Tocci – Senior Principal Consultant, Cavanaugh Tocci Associates, Inc.
2. Eric Barz, Town Planner, Town of Windsor
3. Todd Sealy, Assistant Town Planner, Town of Windsor
4. Suzanne Choate, P.E., Town Engineer, Town of Windsor

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

E. Cross Examination.

1. Council
2. Petitioner
3. Keith and Lisa Bress
4. Grouped Resident Intervenors

IV. Appearance by Party: Keith and Lisa Bress (**BRESS**)

Representative: Lisa Bress

A. Administrative Notice.

1. “10 Steps You Can Take to Support Local Biodiversity – Advice from Dr. Doug Tallamy.” Department of Entomology, Penn State College of Agricultural Sciences, 27 Apr. 2021, ento.psu.edu/news/10-steps-youcan-take-to-support-local-biodiversity-2013-advice-from-dr-doug-tallamy.
2. Chiu, Allyson. “Living near Green Spaces Could Add 2.5 Years to Your Life, New Research Finds.” The Washington Post, 28 June 2023, www.washingtonpost.com/climate-solutions/2023/06/28/aging-greenspaces-nature-health/.
3. “The Dark Side of Solar Energy: The Hidden Environmental Costs.” Energy5, 21 June 2023, energy5.com/the-darkside-of-solar-energy-the-hidden-environmental-costs.
4. Gearino, Dan. “Do Solar Farms Lower Property Values? A New Study Has Some Answers.” Inside Climate News, 15 Mar. 2023, insideclimatenews.org/news/15032023/solar-propertyvalues/#:~:text=They%20found%20that%20the%20value,following%20construction%20of%20the%20project.
5. Hager, Christina. “‘unconscionable,’ Plainville Residents Say Solar Farm Is Causing Flooding That’s Ruining Their Homes.” CBS News, CBS Interactive, 30 Jan. 2024, www.cbsnews.com/boston/news/plainville-solar-farmdevelopment-flooding/.
6. Hernandez, RR, et al. “Environmental Impacts of Utility-Scale Solar Energy.” eScholarship, University of California, 3 Feb. 2016, escholarship.org/uc/item/62w112cg.
7. Hummel, Jim. “Bitter Fight over a Solar Farm in Johnston Has Lasted Years. Is It a Sign of Things to Come?” Yahoo! News, Yahoo!, 24 Jan. 2024, www.yahoo.com/news/bitter-fight-over-solar-farm-101456867.html.
8. Litt, Andrea R., et al. “Effects of invasive plants on arthropods.” Conservation Biology, vol. 28, no. 6, 26 July 2014, pp. 1532–1549, <https://doi.org/10.1111/cobi.12350>.
9. Milesi, Cristina, et al. “Mapping and modeling the biogeochemical cycling of turf grasses in the United States.” Environmental Management, vol. 36, no. 3, 27 July 2005, pp. 426–438, <https://doi.org/10.1007/s00267-004-0316-2>.
10. Owens, Avalon C.S., et al. “Light pollution is a driver of insect declines.” Biological Conservation, vol. 241, Jan. 2020, p. 108259, <https://doi.org/10.1016/j.biocon.2019.108259>.

11. Picone, Peter M, et al. "Connecticut Native Tree and Shrub Availability List." UConn College of Agriculture, Health and Natural Resources, University of Connecticut, May 2023, ipm.cahnر.uconn.edu/wpcontent/uploads/sites/3216/2023/05/CT-Native-Plant-Availability-List_UConn_CTDEEP_May2023.pdf.
12. Sullivan, Robert G, et al. "Visual Impacts of Utility-Scale Solar Energy Facilities on Southwestern Desert Landscapes." Bureau of Land Management Visual Resources, The U.S. Department of the Interior, Bureau of Land Management (BLM) Wyoming State Office, blmwyomingvisual.anl.gov/docs/Solar_Visual_Impacts.pdf. Accessed 7 Feb. 2024.
13. Williams, Florence. The Nature Fix: Why Nature Makes Us Happier, Healthier, and More Creative. W.W. Norton & Company, 2018.

B. Exhibits for Identification.

1. Bress Request for Party Status, dated December 11, 2023
2. Pre-Filed Testimony of Lisa Bress, dated February 1, 2024

C. Swear Witnesses

1. Keith Bress
2. Lisa Bress

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

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Windsor
4. Grouped Resident Intervenors

V. Appearance by Grouped Resident Intervenors: Leslie Harrison and William and Jennifer Williams **(RES)**

Representative: Leslie Harrison

A. Administrative Notice.

B. Exhibits for Identification.

1. Leslie Harrison Request for Intervenor Status, dated December 11, 2023
2. William and Jennifer Williams Request for Intervenor Status, dated December 13, 2023

C. Swear Witnesses

1. Leslie Harrison
2. William Williams
3. Jennifer Williams

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

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Windsor
4. Keith and Lisa Bress

VI. Closing by Connecticut Siting Council.