

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 PETITION NUMBER 1598

5 Windsor Solar One, LLC Petition for a Declaratory
6 Ruling, pursuant to Connecticut General Statutes,
7 Section 4-176 and Section 16-50k, for the proposed
8 construction, maintenance and operation of a
9 3.0-megawatt AC solar photovoltaic electric
10 generating facility located at 445 River Street,
11 Windsor, Connecticut, and associated electrical
12 interconnection

13
14 VIA ZOOM AND TELECONFERENCE

15
16 Continued Public Hearing held on Tuesday,
17 April 9, 2024, beginning at 2 p.m.,
18 via remote access.

19
20
21 H e l d B e f o r e :

22 JOHN MORISSETTE, Presiding Officer

23
24
25 Reporter: Lisa L. Warner, CSR #061

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

2
3 **Council Members:**

4 **BRIAN GOLEMBIEWSKI, Designee for**
5 **Commissioner Katie Dykes, Department of**
6 **Energy and Environmental Protection**

7 **QUAT NGUYEN, Designee for**
8 **Commissioner Katie Dykes, Department**
9 **of Energy and Environmental Protection**

10 **ROBERT SILVESTRI**
11 **CHANCE CARTER**
12 **THOMAS J. NEAR, Ph.D.**

13
14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.**
16 **Executive Director and Staff Attorney**

17 **ROBERT MERCIER**
18 **Siting Analyst**

19 **DAKOTA LAFOUNTAIN**
20 **Administrative Support**

21 **For Petitioner Windsor Solar One, LLC:**
22 **PULLMAN & COMLEY**
23 **90 State Street**
24 **Hartford, Connecticut 06103-3702**
25 **Phone: 860.424.4315**

BY: LEE D. HOFFMAN, ESQ.
 lhoffman@pullcom.com

For Party Town of Windsor:
 UPDIKE, KELLY & SPELLACY, P.C.
 Goodwin Square
 225 Asylum Street, 20th Floor
 Hartford, Connecticut 06103
 BY: STEFAN SJOBERG, ESQ.

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

2
3 **Party:**

4 **LISA and KEITH BRESS**
5 **166 Eastwood Circle**
6 **Windsor, Connecticut 06095**

7 **Grouped Intervenors:**

8 **LESLIE D. HARRISON**
9 **41 Early Dawn Circle**
10 **Windsor, Connecticut 06095**

11 **WILLIAM WILLIAMS**
12 **JENNIFER WILLIAMS**
13 **69 Sunrise Circle**
14 **Windsor, Connecticut 06095**

15
16
17
18
19
20
21
22
23
24
25

1 MR. MORISSETTE: Good afternoon, ladies
2 and gentlemen. This continued evidentiary hearing
3 is called to order this Tuesday, April 9, 2024, at
4 2 p.m. My name is John Morissette, member and
5 presiding officer of the Connecticut Siting
6 Council.

7 If you haven't done so already, I ask
8 that everyone please mute their computer audio
9 and/or telephones now. A copy of the prepared
10 agenda is available on the Council's Petition
11 Number 1598 webpage, along with the record of this
12 matter, the public hearing notice, instructions
13 for public access to this public hearing, and the
14 Council's Citizens Guide to Siting Council
15 Procedures. Other members of the Council are Mr.
16 Silvestri, Mr. Nguyen, Mr. Golembiewski, Dr. Near
17 and Mr. Carter.

18 Members of the staff are Executive
19 Director Melanie Bachman, Siting Analyst Robert
20 Mercier and administrative support Dakota
21 LaFountain.

22 This evidentiary session is a
23 continuation of the public hearings held on
24 February 8th and March 19, 2024. It is held
25 pursuant to the provisions of Title 16 of the

1 Connecticut General Statutes and of the Uniform
2 Administrative Procedure Act upon a petition from
3 Windsor Solar One, LLC for a declaratory ruling
4 pursuant to Connecticut General Statutes, Section
5 4-176 and 16-50k, for the proposed construction,
6 maintenance and operation of a 3.0-megawatt AC
7 solar photovoltaic electric generating facility
8 located at 445 River Street in Windsor,
9 Connecticut and the associated electrical
10 interconnection.

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

18 Please also be advised that the
19 Council's project evaluation criteria under the
20 statute does not include consideration of property
21 value.

22 A verbatim transcript will be made of
23 this hearing and deposited at the Windsor Town
24 Clerk's Office for the convenience of the public.

25 The Council will take a 10 to 15 minute

1 break at a convenient juncture at around 3:30 p.m.

2 Now we will continue with the Town of
3 Windsor's appearance. In accordance with the
4 Council's March 21, 2024 continued evidentiary
5 hearing memo, we will begin with the appearance of
6 the Town of Windsor.

7 Will the town present its witness panel
8 for the purposes of taking the oath, and we'll
9 have Attorney Bachman administer the oath.

10 ATTORNEY SJOBERG: Good afternoon, Mr.
11 Morissette. Can everyone hear me okay?

12 MR. MORISSETTE: Yes, we can. Thank
13 you.

14 ATTORNEY SJOBERG: For the record, my
15 name is Stefan Sjoberg. I'm an attorney with
16 Updike, Kelly & Spellacy, and I'll be representing
17 the Town of Windsor in these proceedings. Our
18 witness panel today, we have Eric Barz, town
19 planner for the Town of Windsor. We have Todd
20 Sealy, assistant town planner for the Town of
21 Windsor. We have Suzanne Choate, town engineer
22 for the Town of Windsor. Our fourth witness,
23 Gregory Tocci, senior principal consultant with
24 Cavanaugh Tocci Associates, will not be
25 participating for purposes of today's hearing. I

1 offer them to be sworn in at this time.

2 MR. MORISSETTE: Thank you, Attorney
3 Sjoberg.

4 Attorney Bachman, please swear in the
5 witnesses.

6 ATTORNEY BACHMAN: Thank you, Mr.
7 Morissette. Can the witnesses please raise their
8 right hand.

9 E R I C B A R Z,
10 T O D D S E A L Y,
11 S U Z A N N E C H O A T E,

12 having been first duly sworn by Attorney
13 Bachman, testified on their oaths as follows:

14 ATTORNEY BACHMAN: Thank you.

15 MR. MORISSETTE: Thank you, Attorney
16 Bachman.

17 Attorney Sjoberg, please begin by
18 verifying all the exhibits by the appropriate
19 sworn witnesses.

20 ATTORNEY SJOBERG: Thank you, Mr.
21 Morissette. We have reevaluated the town's
22 exhibits previously submitted to the Council in
23 conjunction with the petitioner's Late-Filed
24 exhibits and deemed Exhibits 3, 4 and 5 to no
25 longer be applicable to this petition. For

1 clarification, I'm referring to the example of the
2 proposed berm with the vegetation and the two maps
3 with the property line information. So for
4 purposes of the record, I would ask that Exhibits
5 3, 4 and 5 to no longer be included.

6 MR. MORISSETTE: Thank you, Attorney
7 Sjoberg. Please continue.

8 DIRECT EXAMINATION

9 ATTORNEY SJOBERG: Sure. So I have
10 three exhibits listed in the hearing program under
11 Roman III, subsection B. They include Item Number
12 1, Town of Windsor request for party status, Item
13 Number 2, Town of Windsor responses to petitioner
14 interrogatories, and Item Number 6, Town of
15 Windsor prefile testimony of Eric Barz. I offer
16 them subject to verification by the witness panel.

17 Mr. Barz, did you prepare or assist in
18 the preparation of the exhibits listed in the
19 hearing program under Roman III, subsection B,
20 specifically Items 1, 2 and 6?

21 THE WITNESS (Barz): I did.

22 ATTORNEY SJOBERG: Do you have any
23 corrections, modifications or amendments to offer
24 to any of those exhibits?

25 THE WITNESS (Barz): No, I have no

1 modifications.

2 ATTORNEY SJOBERG: Is the information
3 contained in those exhibits true and accurate to
4 the best of your knowledge?

5 THE WITNESS (Barz): Yes.

6 ATTORNEY SJOBERG: And do you adopt the
7 information contained in those exhibits as your
8 testimony in this proceeding?

9 THE WITNESS (Barz): I do.

10 ATTORNEY SJOBERG: Mr. Sealy, did you
11 prepare or assist in the preparation of exhibits
12 listed in the hearing program under Roman III,
13 subsection B, Items 1 and 2?

14 THE WITNESS (Sealy): I did.

15 ATTORNEY SJOBERG: Do you have any
16 corrections, modifications or amendments to offer
17 to any of those exhibits?

18 THE WITNESS (Sealy): I do not.

19 ATTORNEY SJOBERG: Is the information
20 contained in those exhibits true and accurate to
21 the best of your knowledge?

22 THE WITNESS (Sealy): They are, yes.

23 ATTORNEY SJOBERG: And do you adopt the
24 information contained in those exhibits as your
25 testimony in this proceeding?

1 THE WITNESS (Sealy): I do.

2 ATTORNEY SJOBERG: Ms. Choate, did you
3 prepare or assist in the preparation of exhibits
4 listed in the hearing program under Roman III,
5 subsection B, specifically Items 1 and 2?

6 THE WITNESS (Choate): I did.

7 ATTORNEY SJOBERG: Do you have any
8 corrections, modifications or amendments to offer
9 to any of those exhibits?

10 THE WITNESS (Choate): I do not.

11 ATTORNEY SJOBERG: Is the information
12 contained in those exhibits true and accurate to
13 the best of your knowledge?

14 THE WITNESS (Choate): Yes.

15 ATTORNEY SJOBERG: And do you adopt the
16 information contained in those exhibits as your
17 testimony in these proceedings?

18 THE WITNESS (Choate): Yes.

19 ATTORNEY SJOBERG: Mr. Morissette, I
20 offer them as full exhibits.

21 MR. MORISSETTE: Thank you, Attorney
22 Sjoberg.

23 Does any party or intervenor object to
24 the admission of the Town of Windsor's Exhibits
25 B-1, 2 and 6 and excluding 3, 4 and 5?

1 Attorney Hoffman.

2 ATTORNEY HOFFMAN: No objection, sir.

3 MR. MORISSETTE: Thank you. Lisa
4 Bress?

5 MS. BRESS: No objection.

6 MR. MORISSETTE: Thank you. And I
7 believe Leslie Harrison is representing the
8 grouped resident intervenors; is that correct?

9 MS. HARRISON: Yes. No objection.

10 MR. MORISSETTE: Very good. Thank you.
11 The Exhibits B-1, 2 and 6 are hereby admitted.

12 (Town of Windsor Exhibits III-B-1,
13 III-B-2 and III-B-6: Received in evidence -
14 described in index.)

15 MR. MORISSETTE: We'll now begin with
16 the cross-examination of the Town of Windsor by
17 the Council starting with Mr. Mercier followed by
18 Mr. Silvestri.

19 Mr. Mercier, good afternoon.

20 CROSS-EXAMINATION

21 MR. MERCIER: Good afternoon. Thank
22 you. I just have a couple of questions regarding
23 the proposed site. And as you're aware, the
24 petitioner is proposing to host sheep at the site,
25 most likely from April to October, if the project

1 was approved. If the project was approved, does
2 the town have any concerns regarding the potential
3 for sheep grazing at the site?

4 THE WITNESS (Choate): No.

5 ATTORNEY SJOBERG: Did you hear us
6 okay?

7 MR. MERCIER: I believe that was "no";
8 is that correct?

9 ATTORNEY SJOBERG: That's correct.

10 MR. MERCIER: Thank you. Also,
11 regarding the revised landscape plan, although
12 this information wasn't taken in by the petitioner
13 yet and sworn to, have you had an opportunity to
14 review the revised landscape plan that was
15 submitted by email on April 2nd from the
16 petitioner?

17 THE WITNESS (Sealy): (Pause) Oh, yes.
18 Sorry.

19 MR. MERCIER: Does the town have any
20 further comment on the landscape plan that was
21 submitted on April 2nd?

22 THE WITNESS (Sealy): I do not, no.

23 MR. MERCIER: Thank you. I have no
24 other questions.

25 MR. MORISSETTE: Thank you, Mr.

1 Mercier. We'll now continue with
2 cross-examination of the Town of Windsor by Mr.
3 Silvestri followed by Mr. Nguyen.

4 Mr. Silvestri, good afternoon.

5 MR. SILVESTRI: Good afternoon, Mr.
6 Morissette. And good afternoon, all. I have a
7 few questions on the segment of River Street that
8 runs north and south. And am I correct that there
9 are no utility poles on that section of the road,
10 only light poles?

11 THE WITNESS (Barz): I believe that is
12 correct.

13 MR. SILVESTRI: Okay. Thank you. Do
14 you recall when those light poles were put in and
15 the utilities were run underground?

16 THE WITNESS (Barz): That would have
17 been done when the Strawberry Hills development
18 was built back in the mid-eighties.

19 MR. SILVESTRI: Mid-eighties. Thank
20 you. And just one last question on that. Was
21 there any set reason why that section went
22 underground?

23 THE WITNESS (Barz): It is the standard
24 in the zoning regulations that all the utilities
25 be put underground unless there are engineering

1 challenges that make it impractical.

2 MR. SILVESTRI: Very good. Thank you
3 for your responses.

4 Mr. Morissette, I'm all set. Thank
5 you.

6 MR. MORISSETTE: Thank you, Mr.
7 Silvestri. We'll now continue with
8 cross-examination by Mr. Nguyen followed by Mr.
9 Golembiewski.

10 Good afternoon, Mr. Nguyen.

11 MR. NGUYEN: Good afternoon, Mr.
12 Morissette. I have no questions. Thank you.

13 MR. MORISSETTE: Thank you, Mr. Nguyen.
14 We'll now continue with cross-examination by Mr.
15 Golembiewski followed by Dr. Near.

16 Mr. Golembiewski, good afternoon.

17 MR. GOLEMBIEWSKI: Good afternoon, Mr.
18 Morissette. I don't have any questions either.

19 MR. MORISSETTE: Very good. Thank you.

20 MR. GOLEMBIEWSKI: Thank you.

21 MR. MORISSETTE: We'll now continue
22 with cross-examination by Dr. Near followed by Mr.
23 Carter.

24 Dr. Near, good afternoon.

25 DR. NEAR: Good afternoon, Mr.

1 Morissette and all. And like my colleague before
2 me, I do not have any questions at this time.

3 MR. MORISSETTE: Very good. Thank you.
4 We'll now continue with cross-examination by
5 Mr. Carter followed by myself.

6 Mr. Carter, good afternoon.

7 MR. CARTER: Good afternoon, Mr.
8 Morissette. And good afternoon, all. I hope
9 you're all enjoying this beautiful weather. I
10 also don't have any questions for the town. So
11 thank you.

12 MR. MORISSETTE: Thank you. With that,
13 I do not have any questions either. So we will
14 continue with the cross-examination of the Town of
15 Windsor by the petitioner.

16 Attorney Hoffman, good afternoon.

17 ATTORNEY HOFFMAN: Good afternoon. I
18 can't believe it, but I think I will have more
19 cross-examination than the Council today.

20 I would direct the town to its response
21 to Interrogatory Number 12. The last paragraph of
22 that response, which is right above Interrogatory
23 13, talks about the town staff suggesting that
24 Amazon place the noisy trucks on the opposite --
25 noisy truck docks, excuse me, on the opposite side

1 of the building. Do you see that?

2 THE WITNESS (Barz): Yes.

3 ATTORNEY HOFFMAN: Do you know how
4 noisy those trucks are approximately?

5 THE WITNESS (Barz): Not off the top of
6 my head, no.

7 ATTORNEY HOFFMAN: Okay. Thank you.
8 And going to Interrogatory 13, you said that
9 Amazon was held to the requirements set forth in
10 the zoning regulations, but the question was about
11 TCLP testing. Do the town zoning regulations
12 require any TCLP testing for anything?

13 THE WITNESS (Barz): Not that I'm aware
14 of.

15 ATTORNEY HOFFMAN: Okay. Thank you.
16 And shifting to Interrogatory 15, the second
17 paragraph states that the town required all
18 environmental testing that is required within its
19 zoning regulations. What environmental testing is
20 required within the town's zoning regulations?

21 ATTORNEY SJOBERG: Respectfully, I'm
22 going to object to this. I don't see the
23 relevancy given that the proceeding that we're
24 under is not subject to zoning regulations in the
25 town.

1 ATTORNEY HOFFMAN: If I may respond,
2 Mr. Morissette?

3 MR. MORISSETTE: Certainly.

4 ATTORNEY HOFFMAN: The fact is, is that
5 the Siting Council does at least take the zoning
6 regulations into account, and the town has pointed
7 to its zoning regulations elsewhere during these
8 proceedings. And so I'm just trying to get a
9 comparison between the two. This will be my last
10 question about the zoning regs.

11 MR. MORISSETTE: Thank you, Attorney
12 Hoffman.

13 Attorney Bachman, do you have any
14 comment on this?

15 ATTORNEY BACHMAN: We certainly do take
16 the town's regulations into account, Mr.
17 Morissette, in any jurisdictional matter. And so
18 it has been brought up during the proceeding, and
19 I think that Mr. Attorney Hoffman's question is
20 appropriate.

21 MR. MORISSETTE: Thank you, Attorney
22 Bachman.

23 Therefore, Attorney Sjoberg, we do
24 believe that the question is appropriate. And if
25 the witnesses could provide a response, please.

1 THE WITNESS (Barz): There is no
2 mandatory environmental testing required within
3 the zoning regulations other than the Planning and
4 Zoning Commission may require such analysis.

5 ATTORNEY HOFFMAN: Okay. Thank you.
6 With that, I do want to move to correct an
7 inadvertent error in the record, but we have to
8 cast our mind back to the first day of hearing.
9 At that day of hearing -- and these questions are
10 going to be predominantly for Mr. Barz, I think.
11 At that first day of hearing, one of Windsor Solar
12 One's witnesses, Mr. Fitzgerald, testified that
13 the zoning for the Amazon project, when it was
14 constructed, was industrial, but that's not 100
15 percent accurate, is it, Mr. Barz?

16 THE WITNESS (Barz): I'm trying to
17 recall. There's a finger of agricultural land,
18 zoned land that might be on the property that was
19 left at the time of the rezoning to provide a
20 buffer from the Strawberry Hills neighborhood. I
21 think that's what you're looking for.

22 ATTORNEY HOFFMAN: That's exactly
23 correct, sir. So if I can refresh your
24 recollection, on October 11, 2016 the town
25 planning and zoning commission put on its agenda

1 for a zone boundary change from agricultural and
2 industrial to warehouse for the Amazon site. Does
3 that ring a bell?

4 THE WITNESS (Barz): Yes.

5 ATTORNEY HOFFMAN: Okay. And then on
6 November 9, 2016, the planning and zoning
7 commission ruled on that zone change to warehouse
8 and decided that changing the zone to warehouse
9 from agricultural and industrial was inappropriate
10 because industrial would be more protected. Is
11 that correct?

12 THE WITNESS (Barz): I have a vague
13 recollection of that. I don't specifically
14 remember that, but it sounds plausible.

15 ATTORNEY HOFFMAN: Okay. Do you have a
16 recollection of your testimony before the town
17 planning and zoning commission on December 13,
18 2016?

19 THE WITNESS (Barz): That was eight
20 years ago. I don't.

21 ATTORNEY HOFFMAN: Fair enough. But at
22 that time you presented to the zoning commission
23 to change the land use for the Amazon project from
24 agricultural and industrial to industrial. Do you
25 recall that?

1 THE WITNESS (Barz): I believe so.

2 ATTORNEY HOFFMAN: Okay. Thank you. I
3 have no further questions.

4 MR. MORISSETTE: Thank you, Attorney
5 Hoffman. We'll now continue with
6 cross-examination of the Town of Windsor by Lisa
7 Bress.

8 Lisa, good afternoon.

9 MS. BRESS: Good afternoon. I don't
10 have any questions for the Town of Windsor. I'll
11 be completely honest. I did not recognize that I
12 would have an opportunity to cross-examine the
13 town of Windsor, so I don't have any questions
14 prepared. I'm sorry.

15 MR. MORISSETTE: Thank you, Ms. Bress.
16 We'll now continue with cross-examination of the
17 Town of Windsor by Leslie Harrison.

18 Ms. Harrison.

19 MS. HARRISON: Thank you very much. I,
20 like Lisa Bress, did not know that I would have
21 this opportunity so I had no questions prepared
22 either. Thank you.

23 MR. MORISSETTE: Thank you,
24 Ms. Harrison.

25 We'll now continue with the appearance

1 by Keith and Lisa Bress. Will the party present
2 its witness panel for purposes of taking the oath.
3 Attorney Bachman will administer the oath.

4 Keith and Lisa Bress, please.

5 MS. BRESS: No witnesses, thank you,
6 just myself.

7 MR. MORISSETTE: Okay. Very good.

8 Lisa Bress, have you offered the exhibits listed
9 under the hearing program as Roman numeral IV-B-1
10 and 2 for identification purposes?

11 ATTORNEY BACHMAN: Mr. Morissette,
12 could we please put Ms. Bress under oath before we
13 ask her to verify the exhibits.

14 MR. MORISSETTE: Thank you. I'm moving
15 ahead too fast here. Thank you, Attorney Bachman.
16 Please administer the oath.

17 L I S A B R E S S ,

18 having been first duly sworn by Attorney
19 Bachman, testified on her oath as follows:

20 ATTORNEY BACHMAN: Thank you.

21 MR. MORISSETTE: Thank you, Attorney
22 Bachman.

23 Ms. Bress, now that you are sworn in,
24 you have offered the exhibits listed under the
25 hearing program as Roman numeral IV-B-1 and 2 for

1 identification purposes.

2 THE WITNESS (Bress): I don't know what
3 they are, but if I submitted them to the Council,
4 I absolutely did.

5 MR. MORISSETTE: Let's see here. Your
6 request, Exhibit Number 1 was a request for party
7 status.

8 THE WITNESS (Bress): Yes.

9 MR. MORISSETTE: And number 2 is your
10 prefile testimony, dated February 1, 2024.

11 THE WITNESS (Bress): Yes, sir. Thank
12 you for that.

13 MR. MORISSETTE: Thank you. Are there
14 any objections to marking the exhibits for
15 identification purposes only at this time?

16 ATTORNEY SJOBERG: No objection from
17 the town.

18 ATTORNEY HOFFMAN: No objection from
19 Windsor Solar One, sir.

20 MR. MORISSETTE: Thank you. Ms. Bress,
21 do you object?

22 MS. BRESS: Not at all, sir.

23 MR. MORISSETTE: Thank you. Ms. Bress,
24 did you prepare or assist in the preparation of
25 Exhibits IV-B-1 and 2?

1 THE WITNESS (Bress): Yes.

2 MR. MORISSETTE: Do you have any
3 addictions, clarifications, deletions or
4 modifications of those documents?

5 THE WITNESS (Bress): No, sir.

6 MR. MORISSETTE: Are these exhibits
7 true and accurate to the best of your knowledge?

8 THE WITNESS (Bress): Absolutely, yes.

9 MR. MORISSETTE: Thank you. And do you
10 offer these exhibits as your testimony here today?

11 THE WITNESS (Bress): Yes, I do.

12 MR. MORISSETTE: Thank you. Does any
13 party or intervenor object to the admission of
14 Lisa Bress's exhibits?

15 Attorney Hoffman.

16 ATTORNEY HOFFMAN: No objection, Mr.
17 Morissette.

18 MR. MORISSETTE: Thank you. Attorney
19 Sjoberg?

20 ATTORNEY SJOBERG: No objection.

21 MR. MORISSETTE: And Ms. Harrison.

22 MS. HARRISON: No objection.

23 MR. MORISSETTE: Very good. The
24 exhibits are hereby admitted.

25 (Bress Exhibits IV-B-1 and IV-B-2:

1 Received in evidence - described in index.)

2 MR. MORISSETTE: We'll now begin with
3 cross-examination of Ms. Bress by the Council,
4 starting with Mr. Mercier followed by Mr.
5 Silvestri.

6 Mr. Mercier.

7 CROSS-EXAMINATION

8 MR. MERCIER: Yes. Thank you. Ms.
9 Bress, did you have a chance to review the
10 landscape plan that was sent to you by the
11 petitioner on April 2nd by email?

12 THE WITNESS (Bress): The new one, sir?

13 MR. MERCIER: That's correct.

14 THE WITNESS (Bress): Yes, I have.

15 MR. MERCIER: Do you have any comments
16 regarding this revised landscape plan?

17 THE WITNESS (Bress): I, again, not
18 fully understanding the proceeding, I had a set of
19 questions that I thought I would be able to ask of
20 the petitioner. So yes, I do have some comments
21 about it.

22 MR. MERCIER: Okay. Fair enough. Do
23 you have any concerns regarding the proposal to
24 potentially graze sheep at the site?

25 THE WITNESS (Bress): Yes, I do. I

1 have concerns about the site plan, and I do have
2 concerns about the potential grazing of sheep at
3 the site.

4 MR. MERCIER: What concerns might you
5 have regarding the sheep?

6 THE WITNESS (Bress): The concerns that
7 I have regarding the sheep have to do with the
8 information that Leslie Harrison shared, a couple
9 of things. One was the information regarding no
10 shelter for the animals during that period of
11 time. That's quite a few months. And I'm just
12 wondering, like, will they be wandering the
13 property, will they be just all over the place,
14 will they be contained, will they be subject to
15 predation from our coyotes and bears and animals
16 around. I'm also concerned about the waste that
17 will be produced. It could be smelly. And if the
18 sheep are going to be grazed in the northern area
19 or area close to the residents, I have some very
20 strong concerns about what that might smell like
21 for a number of months. So those are my concerns,
22 safety of animals, smell, protection for the
23 animals, and those are my concerns in that regard.

24 As far as the site plan, I can tell you
25 those concerns, but I don't know if this is the

1 proper time.

2 MR. MERCIER: Yes. What are your
3 concerns regarding the site plan?

4 THE WITNESS (Bress): My concerns
5 regarding the site plan revolve around watering
6 and who is responsible for that. My concerns
7 around the site plan are who is going to monitor
8 the design and maintenance for the landscaping.

9 I have additional concerns about the
10 site plan in that there is in the site plan an
11 opportunity for it to be, plants to be monitored
12 for a year, but there's no irrigation there and
13 there is no -- so if there is any death in the
14 plants, there's no requirement by the petitioner
15 to come back in and replace them after a year.
16 And as a gardener, avid gardener, I've often put
17 in plants, shrubs, trees, and after a year,
18 despite watering them regularly every day,
19 sometimes every other day, they're dead.

20 So my concern in that regard is if
21 there's no, you know, something in the site plan
22 that says that someone is going to regularly water
23 on a certain schedule, who is going to be
24 responsible for that, who is going to oversee
25 that, and if the plants die, how are we going to

1 replace them if the year is over. Those are some
2 of the concerns I had there.

3 I also had some concerns about the way
4 the trees were going to be installed. There's no
5 indication in there that balled and burlapped
6 trees will have the wires removed. It says that,
7 you know, tree substitutions can be approved by
8 the landscape architect and approved by the
9 owner's representative. Well, while I'm pleased
10 to see the owner's involvement, I don't see how
11 that doesn't prevent Verogy from changing the
12 entire plan due to costs or other factors after
13 the project is approved.

14 I mean, Number 7 clearly says they can
15 propose any tree substitutions whatsoever, and
16 there is absolutely no just cause needed or no --
17 you know, it doesn't really -- there's no
18 guarantee in this plan, in this written plan that
19 says that they couldn't substitute the trees.
20 This plan is beautiful, but there's no, nothing
21 that says that it's going to be taken care of
22 after a year, and there's nothing in this plan
23 that says that there is a remedy or there's going
24 to be no substitutions just in case, you know, if
25 it's too expensive or they find afterward that

1 it's not working for them or they don't want to do
2 it, there's nothing in this plan that says that
3 they're required. So that's the concern I have
4 there about that.

5 And then I have some other continued
6 things about, you know, again, where the inverters
7 are placed and, you know, that there's no
8 buffering there. I have some concerns about the
9 fact that the visual -- I'm sorry, I don't know if
10 I'm allowed to tell you this, but I also have some
11 concerns about the visual simulation. There's no
12 panels in the visual simulation. So how can a
13 comparison be made about the visual screening and
14 the plantings' adequacy when there's no
15 visualization of the panels placed behind them. I
16 mean, to me I'm looking at something, I'm saying,
17 well, that looks very lovely and the trees look
18 lovely, but where are the panels? How do I even
19 know how this is going to look in reference to the
20 panels.

21 And then in another visual simulation,
22 which again I appreciated, but as an abutter, my
23 son being an abutter and as party to this hearing,
24 the visual simulations were not done from the
25 vantage point of the abutters. The visual

1 simulation is done from a corner of the property
2 on the street totally to the side of all the
3 abutters. So I'm looking again at a beautiful
4 visual simulation of a corner, not of a visual
5 simulation from the properties that this project
6 is abutting. So again, my concern would have been
7 can we have a visual simulation of actually what
8 we're going to see from the abutters' property.
9 That's not in here.

10 So those are some of the concerns I
11 have. I mean, there's many more. But if I don't
12 have an opportunity, I'm not sure whether I'm
13 going to have an opportunity to ask those
14 questions again. But thank you for your question.

15 And I do have continued concerns also
16 about the landscape and the footprint in relation
17 to traffic and the ability of trucks to make the
18 turn from Poquonock Avenue to River Street and
19 from down Kennedy Road to River Street and then up
20 River Street. Those are very, very sharp turns.
21 And my limited understanding of solar panels is
22 they're very long and very large. So I am just
23 even concerned about how those panels are going to
24 maneuver with those trucks around those corners on
25 a two-lane road like River Street and enter this

1 property for months and months at a time while
2 construction is going on.

3 So again, I don't want to take too much
4 of the Council's time, but these are some of the
5 questions I have about the new site plan. And
6 thank you so much for your question.

7 MR. MERCIER: Thank you.

8 MR. MORISSETTE: Ms. Bress, for your
9 information, the petitioner will be appearing this
10 afternoon to be cross-examined on the exhibits
11 that were filed, including the visual and
12 landscaping plan.

13 THE WITNESS (Bress): Mr. Morissette,
14 I'm so grateful for that information. Thank you.

15 MR. MORISSETTE: Very good. Thank you.

16 Mr. Mercier, please continue.

17 MR. MERCIER: I have no other
18 questions. Thank you.

19 MR. MORISSETTE: Thank you. Thank you,
20 Mr. Mercier. We'll now continue with
21 cross-examination by Mr. Silvestri followed by Mr.
22 Nguyen.

23 Mr. Silvestri.

24 MR. SILVESTRI: Thank you, Mr.
25 Morissette. Actually, Mr. Mercier posed the

1 questions that I was going to pose. So I thank
2 him, and I thank Ms. Bress for her responses.
3 Thank you.

4 MR. MORISSETTE: Thank you. We'll
5 continue with cross-examination of Ms. Bress by
6 Mr. Nguyen followed by Mr. Golembiewski.

7 Mr. Nguyen.

8 MR. NGUYEN: Thank you, Mr. Morissette.
9 I have no questions for Ms. Bress. Thank you.

10 MR. MORISSETTE: Thank you. We'll now
11 continue with Mr. Golembiewski followed by Dr.
12 Near.

13 Mr. Golembiewski.

14 MR. GOLEMBIEWSKI: Thank you, Mr.
15 Morissette. I don't have any questions at this
16 point. Thank you.

17 MR. MORISSETTE: Thank you. We'll now
18 continue with Dr. Near followed by Mr. Carter.

19 Dr. Near.

20 DR. NEAR: Thank you, Mr. Morissette.
21 I have no questions at this time for Ms. Bress.
22 Thank you for being here, Ms. Bress. I appreciate
23 your presence.

24 THE WITNESS (Bress): Thank you too.

25 MR. MORISSETTE: Thank you, Dr. Near.

1 We'll now continue with Mr. Carter followed by
2 myself. Mr. Carter.

3 MR. CARTER: Thank you. Ms. Bress,
4 thank you for your time. I have no questions.

5 THE WITNESS (Bress): Thank you, Mr.
6 Carter.

7 MR. MORISSETTE: Thank you, Mr. Carter.

8 Ms. Bress, I do not have any questions
9 either. We will now continue with
10 cross-examination by Attorney Hoffman.

11 Attorney Hoffman.

12 ATTORNEY HOFFMAN: Thank you, Mr.
13 Morissette.

14 Ms. Bress, I just have a couple of
15 questions. While I understand that Keith Bress is
16 an abutter, you're not an abutter to the facility,
17 correct?

18 THE WITNESS (Bress): I requested
19 permission, clearly explaining that I was not an
20 abutter. My son has a disability and he requested
21 that I represent him, and the Council graciously
22 accepted and allowed that to happen.

23 ATTORNEY HOFFMAN: I'm not disagreeing
24 with that at all, Ms. Bress, but you and your son
25 are both intervenors in this proceeding, you both

1 have independent rights of one another, and so I'm
2 trying to distinguish between the two of you. So
3 you're not an abutter but Ms. Bress is, correct?

4 THE WITNESS (Bress): Correct, but we
5 were able to apply as abutters.

6 ATTORNEY HOFFMAN: And we never
7 objected to -- well, you're not able to apply as
8 an abutter, he was, but anybody in the Town of
9 Windsor can apply?

10 THE WITNESS (Bress): Yes.

11 ATTORNEY HOFFMAN: And do you live
12 about four miles from the site, give or take?

13 THE WITNESS (Bress): Eight minutes.
14 I'm not sure how many miles, yes.

15 ATTORNEY HOFFMAN: Fair enough. But
16 you live south of Route 305, right?

17 THE WITNESS (Bress): Yes, we spend
18 quite a bit of time there.

19 ATTORNEY HOFFMAN: Okay. When you're
20 visiting your son as you're looking out from the,
21 towards the solar panels, can you see the Amazon
22 facility from Mr. Bress's house?

23 THE WITNESS (Bress): No.

24 ATTORNEY HOFFMAN: You can't see it at
25 all?

1 THE WITNESS (Bress): No, I didn't even
2 see it when we went to look for the house because
3 it's to the left and up the hill so the tree cover
4 was tremendous and I had -- if you can believe
5 this, I should have known, but I had no idea that
6 it was there, which is kind of weird.

7 ATTORNEY HOFFMAN: And can you hear it
8 from the house?

9 THE WITNESS (Bress): Nope, haven't
10 heard anything so far. He's only been there since
11 September 1st, so we haven't heard anything as of
12 yet.

13 ATTORNEY HOFFMAN: And I know that
14 Mr. Bress works from home for at least part of the
15 time. Does he also work outside the home?

16 THE WITNESS (Bress): At this time he
17 is working part-time outside the home.

18 ATTORNEY HOFFMAN: Okay. And what
19 livestock does the current property owner have on
20 the property where the solar facility is being
21 considered?

22 THE WITNESS (Bress): I couldn't speak
23 to that except to know that when we've driven past
24 there, I've been in Windsor for over 32 years, the
25 only livestock I've ever seen there has been cows

1 occasionally in the field.

2 ATTORNEY HOFFMAN: Okay. So he's got
3 cows there?

4 THE WITNESS (Bress): I don't know if
5 they're still grazed in that section because I
6 haven't seen them since he's moved in, but I do
7 know that they're somewhere on the property.

8 ATTORNEY HOFFMAN: Thank you. And at
9 the conclusion of your testimony you say that as
10 town councilor you led the effort to create the
11 first clean and sustainable energy task force in
12 Windsor.

13 THE WITNESS (Bress): Correct.

14 ATTORNEY HOFFMAN: How many renewable
15 energy facilities was that task force responsible
16 for constructing?

17 THE WITNESS (Bress): The task force
18 does not construct renewable energy facilities.
19 The task force was commissioned to do a study.
20 And it had about eight members, various community
21 members of different expertise, and they were
22 commissioned to do a two-year study to propose
23 initiatives to the town council on best practices
24 for clean and sustainable energy.

25 ATTORNEY HOFFMAN: And did they

1 recommend an increase in renewable energy?

2 THE WITNESS (Bress): Honestly, it was
3 two years ago. I'm not certain what's exactly in
4 the document, but I would -- I don't know, to be
5 honest, but I would guess, it was very lengthy,
6 like 50 pages, and there were a variety of
7 projects recommended. There's been solar
8 installed on top of local buildings and the
9 firehouse. So I'm sure there were renewable
10 energy suggestions in there, yes.

11 ATTORNEY HOFFMAN: Outstanding. Thank
12 you. I have nothing further.

13 MR. MORISSETTE: Thank you, Attorney
14 Hoffman. We'll now continue with
15 cross-examination of Ms. Bress by Attorney
16 Sjoberg.

17 ATTORNEY SJOBERG: Thank you, Mr.
18 Morissette. The town does not have any questions
19 for Lisa Bress. Thank you.

20 MR. MORISSETTE: Thank you, Attorney
21 Sjoberg. We'll continue with cross-examination of
22 Lisa Bress by the grouped resident intervenors,
23 Leslie Harrison.

24 MS. HARRISON: Yes. Based on her
25 submitted testimony, I don't have any questions

1 for Ms. Bress.

2 I did have one, and that is I heard
3 Attorney Hoffman say that you're not an abutter,
4 but I heard you say that you spent a great deal of
5 time or some period of time at your son's new
6 home. And you also, and I have personal knowledge
7 of this, you also appeared at a Strawberry Hills
8 community meeting.

9 THE WITNESS (Bress): Yes.

10 MS. HARRISON: And I wondered if you
11 could talk about what you heard at that meeting
12 and what the general sentiment was.

13 THE WITNESS (Bress): Well, I attended
14 that meeting in a different --

15 ATTORNEY HOFFMAN: Mr. Morissette, I'd
16 like to object to that. That's hearsay.

17 MS. HARRISON: I thought she stated
18 that in her letter.

19 ATTORNEY HOFFMAN: What she stated in
20 her letter I was going to allow to ask, but if
21 she's testifying as to what other people said, it
22 is by definition hearsay. Those people aren't
23 here. They had a chance to attend the public
24 comment meeting that the Siting Council put
25 forward and they did not.

1 MR. MORISSETTE: Thank you, Attorney
2 Hoffman.

3 Attorney Bachman, your opinion on this?

4 ATTORNEY BACHMAN: Thank you, Mr.
5 Morissette. Certainly, if part of it is in the
6 letter, anything Ms. Bress may have stated. Yes,
7 it is hearsay, anything anyone else has said, but
8 if she could just give a brief summary of general
9 comments that she may have heard, I think that
10 would be acceptable. Thank you.

11 THE WITNESS (Bress): Sure. I'm happy
12 to make it brief. Basically I attended in a
13 different capacity. I was invited because I was,
14 my son was purchasing a home there or had
15 purchased the home, but I was invited as deputy
16 mayor of Windsor. So I will just say that at that
17 meeting, as I stated in my letter, without going
18 into detail about all the concerns, that there
19 were many, I would say 30 or more, residents at
20 that meeting that had specific concerns regarding
21 the installation of a utility scale solar project
22 in their neighborhoods.

23 And Ms. Bachman, I think I can get into
24 detail or nothing further, but there was great
25 concern about many of the issues that Leslie is

1 nicely raising, and I'm trying to raise, all of
2 the things we're raising are based on the concerns
3 by those residents.

4 And I will just say one more thing that
5 is not hearsay. I've received tons of emails from
6 people who are actually afraid to participate in
7 this proceeding because they do not feel confident
8 to participate nor to speak publicly nor to even
9 email. So I just want the Council to know that
10 the reason Leslie and I go on so long is because
11 we've heard from constituents and we're trying to
12 share that honestly and sincerely with the Council
13 and the petitioner.

14 MR. MORISSETTE: Anything else, Ms.
15 Harrison?

16 MS. HARRISON: Since I wasn't planning
17 to ask questions of Ms. Bress, I do not have any
18 others at this time. Thank you very much for the
19 opportunity.

20 MR. MORISSETTE: Very good. Thank you.
21 We will now continue with the appearance of the
22 grouped resident intervenors. Will the groped
23 resident intervenors present its witness panel for
24 the purposes of taking the oath. That would be
25 Leslie Harrison, William and Jennifer Williams.

1 MS. HARRISON: This is Leslie Harrison.
2 I have no witnesses other than myself.

3 MR. MORISSETTE: Very good. Attorney
4 Bachman, could you please administer the oath to
5 the witness, Leslie Harrison.

6 ATTORNEY BACHMAN: Thank you, Mr.
7 Morissette. I do see Jennifer and William
8 Williams on the screen here. And since their
9 request for intervenor status are grouped, I would
10 just hope that we could swear them all in at the
11 same time.

12 MR. MORISSETTE: Certainly. William
13 and Jennifer?

14 JENNIFER WILLIAMS: Yes. Hi. We're
15 here.

16 MR. MORISSETTE: Very good. Thank you.
17 We're going to swear you in as well.

18 ATTORNEY BACHMAN: Could the witnesses
19 please raise their right hand.

20 L E S L I E H A R R I S O N,
21 J E N N I F E R W I L L I A M S,
22 W I L L I A M W I L L I A M S,

23 having been first duly sworn by Attorney
24 Bachman, testified on their oaths as follows:

25 ATTORNEY BACHMAN: Thank you.

1 MR. MORISSETTE: Thank you, Attorney
2 Bachman.

3 Leslie Harrison and William and
4 Jennifer Williams, you have offered the exhibits
5 listed under hearing program Roman numerals V-B-1
6 and 2. Do you offer those as your exhibits?

7 THE WITNESS (Harrison): This is Leslie
8 Harrison. I presume that is my request to be an
9 intervenor.

10 MR. MORISSETTE: It's your request to
11 be intervenor dated December 11th, and William and
12 Jennifer Williams' request for intervenor status
13 dated December 13th.

14 THE WITNESS (W. Williams): Yes. This
15 is William.

16 MR. MORISSETTE: Very good.

17 THE WITNESS (W. Williams): Yeah, we
18 did send that in.

19 THE WITNESS (Harrison): And this is
20 Leslie. Yes.

21 MR. MORISSETTE: Is there any objection
22 to marking these exhibits for identification
23 purposes only at this time?

24 MS. BRESS: No.

25 A VOICE: No.

1 MR. MORISSETTE: Thank you. Leslie
2 Harrison and William and Jennifer Williams, did
3 you prepare or assist in the preparation of
4 Exhibits V-B-1 and 2?

5 THE WITNESS (W. Williams): I don't
6 have access to those right now.

7 THE WITNESS (Harrison): This is Leslie
8 Harrison. I prepared my request.

9 MR. MORISSETTE: The question is did
10 you prepare it? William and Jennifer, did you
11 prepare your --

12 THE WITNESS (W. Williams): Yeah, I
13 prepared my request.

14 MR. MORISSETTE: Okay. Very good.
15 Thank you. Do you have any additions,
16 clarifications, deletions or modifications to
17 those documents?

18 THE WITNESS (W. Harrison): No.

19 THE WITNESS (Harrison): This is Leslie
20 Harrison. No, I do not.

21 MR. MORISSETTE: Thank you. Are these
22 exhibits true and accurate to the best of your
23 knowledge?

24 THE WITNESS (W. Williams): Yes. This
25 is William. Yes, they are.

1 THE WITNESS (Harrison): This is Leslie
2 Harrison. Yes, it is.

3 MR. MORISSETTE: Thank you. And do you
4 offer these exhibits as your testimony today?

5 THE WITNESS (W. Williams): William and
6 Jennifer. Yes.

7 THE WITNESS (Harrison): Leslie
8 Harrison. Yes.

9 MR. MORISSETTE: Very good. Thank you.
10 Does any party or intervenor object to the
11 admission of the grouped resident intervenors'
12 exhibits?

13 Attorney Hoffman.

14 ATTORNEY HOFFMAN: No objection, Mr.
15 Morissette.

16 MR. MORISSETTE: Thank you. Attorney
17 Sjoberg?

18 ATTORNEY SJOBERG: No objection.

19 MR. MORISSETTE: Thank you. Ms. Bress?

20 MS. BRESS: No.

21 MR. MORISSETTE: No objection?

22 MS. BRESS: I'm sorry. No objection.

23 MR. MORISSETTE: Thank you.

24 THE WITNESS (W. Williams): No
25 objection.

1 MR. MORISSETTE: Thank you. The
2 exhibits are hereby admitted.

3 (Grouped Resident Intervenors Exhibits
4 V-B-1 and V-B-2: Received in evidence - described
5 in index.)

6 MR. MORISSETTE: We'll now begin with
7 cross-examination of the grouped resident
8 intervenors by the Council starting with Mr.
9 Mercier and followed by Mr. Silvestri.

10 Mr. Mercier.

11 CROSS-EXAMINATION

12 MR. MERCIER: Thank you. I guess I'll
13 address the questions first to Leslie Harrison and
14 similar to the other questions I asked of the town
15 and Lisa Bress. Have you had a chance to review
16 the landscape plan that was submitted by the
17 petitioner on April 2nd by email?

18 THE WITNESS (Harrison): I have.

19 MR. MERCIER: Looking at the plan, do
20 you have any concerns regarding the planting
21 schedule that was established, you know, all the
22 different types of shrubs and trees along River
23 Road and to the north?

24 THE WITNESS (Harrison): I did have
25 some specific questions which I prepared for the

1 petitioner. I could use those now or I could use
2 those when it's the appropriate time.

3 MR. MERCIER: If you have questions,
4 yes, you'll have to ask the petitioner at that
5 time.

6 THE WITNESS (Harrison): Okay.

7 MR. MERCIER: What --

8 THE WITNESS (Harrison): I'm sorry.

9 MR. MERCIER: Go ahead.

10 THE WITNESS (Harrison): I was pleased
11 to see that they had added some trees and shrubs
12 certainly along the portions south of the access
13 road that they're planning.

14 I think Ms. Bress covered most of my
15 concerns when she said things about the fact that
16 traffic in the area would be substantial --
17 appears to be substantially increased not only
18 during the construction but also, as pointed out,
19 these are very, very small roads. The road from
20 Poquonock Avenue is, I mean, dangerous for two
21 passenger cars to go in each direction at the same
22 time in the same space. I cannot imagine a truck
23 containing solar panels, how that would get by
24 that way. So maybe they will prohibit it from
25 going that way. But even a turn, I mean, it's a

1 right angle turn two lanes wide to turn from River
2 Street onto the other side of River Street to get
3 to the access road. And I just -- I don't know
4 how these panels are transported, but unless
5 they're flown in, I don't know how that would be a
6 safe way to do that.

7 And I also have concerns, as she spoke,
8 about the lack of water. I know that the plan
9 indicates that the contractor will be required to
10 bring in water since there is no irrigation. But
11 we've had a significant amount of water in the
12 last few days and weeks here, but we've also
13 had -- I've lived here 38 years in this very
14 house -- and we've also had years where we've had
15 tremendous drought. And I don't know how much it
16 costs to haul in water, but given the planting
17 requirements for new plants, I would think that
18 that would be a significant amount of water that
19 would need to be brought in, in a year that is
20 drought plagued.

21 Other than that, as I wasn't prepared
22 to speak to this as myself, I was prepared to ask
23 the petitioner, I don't have any other concerns
24 that come to the top of my mind. But I think Ms.
25 Bress spoke very eloquently about concerns that I

1 would have had, had I had time to prepare for it.

2 MR. MERCIER: Thank you for that. Do
3 you have any concerns regarding the potential for
4 sheep grazing at the site if the site was
5 approved?

6 THE WITNESS (Harrison): Yes, I do. I
7 have significant concerns about that. Ms. Bress
8 spoke to many of them, and I spoke to many in the
9 last hearing when I questioned the petitioner.
10 The first one was that I believe on the record we
11 have heard that the petitioner sees no financial
12 benefit one way or the other to mechanical methods
13 of maintaining the property or to sheep or
14 animals. And if there is no financial difference,
15 then I would advocate for mechanical, strongly
16 advocate for mechanical preferences to do that
17 because of the very things that Ms. Bress spoke
18 about.

19 We have had a significant number of
20 lightning storms the last few summers. And my
21 understanding is these panels, while grounded, are
22 still metal, and the sheep, I was told by the
23 petitioner I believe in the interrogatory, that
24 many times they take shelter under the panels.
25 Well, side strikes and other things such as that

1 do occur, and dead sheep smell even worse than
2 live sheep, in my opinion.

3 And we do have a significant number of
4 predators in the area. I have a game cam out in
5 my backyard. And we have bears, we have coyotes.
6 We even have bobcats. And I don't think that
7 anything that is being proposed in terms of
8 fencing would properly prevent predators from
9 getting to the sheep. So yes, I have very strong
10 concerns about the sheep being there, and I would
11 much prefer to see mechanical methods of
12 maintaining the property.

13 MR. MERCIER: Okay. Thank you. I'm
14 going to pose the same questions to William and
15 Jennifer Williams.

16 THE WITNESS (W. Williams): We don't,
17 or at least I don't, and I think my wife doesn't,
18 have any additional either negative or positive
19 comments toward those things. I take no position
20 at all on the grazing of sheep. I take no
21 position on that.

22 MR. MERCIER: Thank you. I have no
23 other questions.

24 MR. MORISSETTE: Thank you, Mr.
25 Mercier. We'll now continue with

1 cross-examination by Mr. Silvestri followed by Mr.
2 Nguyen.

3 Mr. Silvestri.

4 MR. SILVESTRI: I have no additional
5 questions, Mr. Morissette. Thank you.

6 MR. MORISSETTE: Thank you. We'll
7 continue with cross-examination by Mr. Nguyen
8 followed by Mr. Golembiewski.

9 Mr. Nguyen.

10 MR. NGUYEN: Thank you, Mr. Morissette.
11 I have no questions for the group. Thank you.

12 MR. MORISSETTE: Thank you. We'll now
13 continue with cross-examination by Mr.
14 Golembiewski followed by Dr. Near.

15 Mr. Golembiewski.

16 MR. GOLEMBIEWSKI: I have no additional
17 questions. I think their exhibits speak for
18 themselves. Thank you.

19 MR. MORISSETTE: Thank you, Mr.
20 Golembiewski. We'll now continue with
21 cross-examination by Dr. Near followed by Mr.
22 Carter.

23 Dr. Near.

24 DR. NEAR: I have no questions at this
25 time, Mr. Morissette. Thank you.

1 MR. MORISSETTE: Thank you. We'll now
2 continue with cross-examination by Mr. Carter
3 followed by myself.

4 Mr. Carter.

5 MR. CARTER: I have no questions. And
6 I would like to thank the group for their time.
7 Thank you.

8 MR. MORISSETTE: Thank you, Mr. Carter.
9 And with that, I have no questions. We will
10 continue with cross-examination of the grouped
11 resident intervenors by the petitioner, Attorney
12 Hoffman.

13 ATTORNEY HOFFMAN: I have no questions,
14 Mr. Morissette.

15 MR. MORISSETTE: Thank you, Attorney
16 Hoffman. We'll now continue with
17 cross-examination by the grouped resident
18 intervenors by the Town of Windsor.

19 Attorney Sjoberg.

20 ATTORNEY SJOBERG: No questions, Mr.
21 Morissette.

22 MR. MORISSETTE: Thank you. We'll
23 continue with cross-examination by Lisa Bress.

24 Ms. Bress.

25 MS. BRESS: Thank you. I have no

1 questions, Mr. Morissette.

2 MR. MORISSETTE: Thank you. Very good.
3 We will continue with the appearance of the
4 petitioner. In accordance with the Council's
5 March 21, 2024 continued evidentiary hearing memo,
6 we will continue with the appearance of the
7 petitioner, Windsor Solar One, LLC, to verify the
8 new exhibits marked as Roman numeral II, Items
9 B-10 on the hearing program.

10 Attorney Hoffman, please begin by
11 identifying the new exhibits you have filed in
12 this matter and verifying the exhibits by the
13 appropriate sworn witnesses.

- 14 B R A D P A R S O N S,
- 15 S T E V E K O C H I S,
- 16 E R I K B E D N A R E K,
- 17 B R Y A N F I T Z G E R A L D,
- 18 J A M E S C E R K A N O W I C Z,

19 having been previously duly sworn, continued
20 to testify on their oaths as follows:

21 DIRECT EXAMINATION

22 ATTORNEY HOFFMAN: Thank you, Mr.
23 Morissette. So the items in Section II-B-10 are
24 A, a revised spill prevention and materials
25 storage plan; B, a revised site plan L-6.1; C, the

1 resume of Erik Bednarek; and D, an additional
2 photo simulation that was conducted. And so in
3 the interest of time, I'm just going to have one
4 witness swear each exhibit unless there are
5 objections to that so that we can continue on.

6 So Mr. Parsons, did prepare or cause to
7 be prepared Item II-B-10A, the revised spill
8 prevention and materials storage plan?

9 THE WITNESS (Parsons): Yes, I did.

10 ATTORNEY HOFFMAN: And is that exhibit
11 accurate to the best of your knowledge?

12 THE WITNESS (Parsons): Yes, it is.

13 ATTORNEY HOFFMAN: And do you have any
14 changes to that exhibit?

15 THE WITNESS (Parsons): I do not.

16 ATTORNEY HOFFMAN: And do you adopt
17 that exhibit as your sworn testimony?

18 THE WITNESS (Parsons): I do.

19 ATTORNEY HOFFMAN: Thank you. Mr.
20 Kochis, did you prepare or cause to be prepared
21 Items II-B-10B as in "boy" and "D" as in "dog," B
22 being the revised site plan L-6.1, and D being the
23 additional photo simulations?

24 THE WITNESS (Kochis): Yes, I did.

25 ATTORNEY HOFFMAN: And are those two

1 exhibits accurate to the best of your knowledge?

2 THE WITNESS (Kochis): Yes, they are.

3 ATTORNEY HOFFMAN: Do you have any
4 changes to those exhibits today?

5 THE WITNESS (Kochis): No, I do not.

6 ATTORNEY HOFFMAN: And do you adopt
7 them as your sworn testimony?

8 THE WITNESS (Kochis): Yes, I do.

9 ATTORNEY HOFFMAN: And Mr. Bednarek,
10 did you prepare or cause to be prepared the Item
11 II-B-10C, which is your resume? Mr. Bednarek?

12 THE WITNESS (Bednarek): (No response.)

13 ATTORNEY HOFFMAN: Well, in that case,
14 Mr. Kochis, since I have you here, did you assist
15 in the preparation of Mr. Bednarek's resume which
16 is Item II-B-10C?

17 THE WITNESS (Kochis): Yes, I did.

18 ATTORNEY HOFFMAN: And is that accurate
19 to the best of your knowledge?

20 THE WITNESS (Kochis): Yes, it is.

21 ATTORNEY HOFFMAN: And do you have any
22 changes to that?

23 THE WITNESS (Kochis): No, I do not.

24 ATTORNEY HOFFMAN: And do you adopt
25 that as your sworn testimony here today?

1 THE WITNESS (Kochis): Yes, I do.

2 ATTORNEY HOFFMAN: With that, Mr.
3 Morissette, I would offer up all four exhibits as
4 full exhibits in this proceeding.

5 MR. MORISSETTE: Thank you, Attorney
6 Hoffman. Does any party or intervenor object to
7 the admission of the petitioner's new exhibits?

8 Attorney Sjoberg.

9 ATTORNEY SJOBERG: No objection, Mr.
10 Morissette.

11 MR. MORISSETTE: Thank you. Lisa
12 Bress?

13 MS. BRESS: No objection, Mr.
14 Morissette.

15 MR. MORISSETTE: And Ms. Harrison.

16 MS. HARRISON: No objections, Mr.
17 Morissette. Thank you.

18 MR. MORISSETTE: Thank you. The
19 exhibits are hereby admitted.

20 (Petitioner's Late-Filed Exhibits
21 II-B-1A, II-B-1B, II-B-1C and II-B-1D: Received
22 in evidence - described in index.)

23 MR. MORISSETTE: We will continue with
24 cross-examination of the petitioner on the new
25 exhibits by the Town of Windsor. Attorney

1 Sjoberg.

2 CROSS-EXAMINATION

3 ATTORNEY SJOBERG: Thank you, Mr.
4 Morissette. I only have two questions, and they
5 revolve around I guess it would be Roman II-B-10D
6 as in "dog," additional photo simulations based on
7 the revised planting plan. Pending Council
8 approval, would the petitioner be open to
9 increasing the diversity of the species along the
10 frontage?

11 THE WITNESS (Fitzgerald): Mr. Sjoberg,
12 this is Bryan Fitzgerald. Yes, the petitioner
13 would be able to increase the diversity of the
14 plantings along the frontage.

15 ATTORNEY SJOBERG: And my last
16 question, does the petitioner have any, pending
17 Council approval, does the petitioner have any
18 objections to using blue spruce and/or Scotch pine
19 as additional species along the frontage?

20 THE WITNESS (Fitzgerald): Mr. Sjoberg,
21 this is Bryan Fitzgerald. The petitioner does not
22 object to using blue spruce or Scotch pine.

23 ATTORNEY SJOBERG: Thank you. I have
24 no further questions, Mr. Morissette.

25 MR. MORISSETTE: Thank you, Attorney

1 Sjoberg. We'll now continue with
2 cross-examination of the petitioner on the new
3 exhibits by Lisa Bress.

4 Lisa.

5 MS. BRESS: Thank you, Mr. Morissette.
6 I'm sorry if it sounds redundant because I did
7 mention some of my concerns in the previous
8 questioning, but I'm going to go through them
9 quickly, if I can. Most of my concerns revolve
10 around the site plan and the visual simulation.
11 And I'm going to do the visual simulation first.
12 And I'm going to repeat what I just said, why
13 aren't the solar panels included in the visual
14 simulation?

15 THE WITNESS (Fitzgerald): Ms. Bress,
16 this is Bryan Fitzgerald. So the solar panels are
17 in fact included in the visual simulation. If
18 you're looking at any one of the three views
19 provided, either north-south or entrance, you'll
20 see the first page is how it exists today, titled
21 "existing conditions." The second page is titled
22 "no screening." And from there you can see
23 straight through to what are blue rectangles
24 behind an agricultural style fence behind the
25 existing vegetation that is currently in place in

1 the field.

2 And then if you scroll to the third and
3 final page of each different view, you'll see what
4 is titled a "vegetated buffer." And again, from
5 the view of the photo sim, you have the existing
6 vegetation, the new vegetation, the fence and then
7 the panels behind it. The panels are in fact
8 those blue rectangles that are in the field.

9 MS. BRESS: Okay. So I guess I didn't
10 see the blue rectangles as the panels. And am I
11 seeing correctly then that from your visual
12 simulation, even though the plantings are spaced,
13 there's not going to be a visual record of the
14 solar panels above the fence? Because I'm not --
15 I didn't see anything higher than the fence in
16 that particular visualization. I don't have it in
17 front of me, I apologize but...

18 THE WITNESS (Fitzgerald): Ms. Bress,
19 are you --

20 THE WITNESS (Parsons): I'll take that,
21 Bryan. This is Brad Parsons. Ms. Bress, I think
22 just based on the angle where you're seeing there,
23 the fence that is shown is about 7 feet tall, and
24 the panels themselves are only another foot or two
25 higher than that proposed fence. So depending on

1 the actual angle that the photo was taken, it
2 does, the panels are just slightly above the
3 proposed fence.

4 MS. BRESS: Thank you. That's the
5 point I'm trying to make. Thank you so much. So
6 to me in the visual simulation I could not see
7 clearly that the panels would be at least a foot
8 above the fence and the current vegetation. Thank
9 you so much for that answer.

10 So the other visual simulation question
11 I had was as a party to the proceeding, again, I'm
12 not sure why a visual simulation wasn't done from
13 the vantage point of the abutters' property
14 instead of just the northern corner that faces the
15 street. There are six residents that are abutters
16 and their homes are there. And my son is, as you
17 know, is the furthest to the right. And I know
18 presently I can see, even when there's trees
19 coverage there, I can see through holes, large
20 holes. So I'm wondering why a visual simulation
21 wasn't done from the property, and can one be done
22 that actually reflects the viewpoint from the
23 abutters' vantage point with the current site
24 plantings?

25 THE WITNESS (Parsons): Ms. Bress, this

1 is Brad Parsons. I think the reason we did not do
2 a site photo from that is we cannot just enter
3 private property.

4 MS. BRESS: I knew you were going to
5 say that.

6 THE WITNESS (Parsons): So that is
7 actually specifically why we did the one from the
8 corner up there was to be at approximately the
9 back side, the rear side of those houses on that
10 northern side and looking south towards the array.
11 So basically the intent with that simulation was
12 to try and mimic what was going on without having
13 to enter somebody's property illegally.

14 MS. BRESS: I appreciate that. I
15 will -- I'm not going to comment. I'm going to
16 ask, if given permission, which my son and I would
17 certainly give you, would the petitioner be
18 willing to do an actual visual simulation with the
19 plantings from an abutter's property so that it
20 can be viewed properly by the Council and the
21 public?

22 ATTORNEY HOFFMAN: Mr. Morissette, I'm
23 going to object to that question as it's a
24 hypothetical. It calls for speculation.

25 MR. MORISSETTE: Thank you, Attorney

1 Hoffman. I will also comment that we are going to
2 be closing the hearing today and we will not be
3 accepting any more exhibits to be filed as part of
4 this docket, so for them to file something in
5 addition is not acceptable at this time.

6 MS. BRESS: I understand. Thank you
7 very much, Mr. Morissette. So I'll ask a
8 different question.

9 Mr. Parsons, does the current visual
10 simulation from the corner accurately reflect what
11 is going to be seen by the abutters in the
12 property in the north?

13 THE WITNESS (Parsons): Ms. Bress, this
14 is Brad Parsons. Yes, it does accurately reflect
15 what will be seen from the property in the north
16 based on a three to four year growth. So the
17 visual simulation was done showing the height of
18 the landscaping at a, you know, three to four year
19 growth height, so not just directly at planting
20 but, you know, upon a little bit of maturity but
21 not full maturity.

22 MS. BRESS: But will it be from the
23 abutters' perspective and not from the street
24 which is what the visual simulation is
25 demonstrating?

1 THE WITNESS (Parsons): The visual
2 simulation is dem -- again, Brad Parsons. The
3 visual simulation is demonstrating the same
4 vegetation that you see on the corner looking from
5 the south will continue along that northern
6 portion of the fence line as shown on the
7 landscape plan that was included with the
8 submission.

9 MS. BRESS: And how far will that
10 landscaping go in terms of the six abutters who
11 currently reside there, how far across will that
12 go, has it been extended or is it still halfway
13 through the property?

14 THE WITNESS (Parsons): Ms. Bress, this
15 is Brad Parsons again. It has been extended all
16 the way past those four abutters. As you can see
17 from the view, just take a look, get a chance to
18 look at the revised landscape plan that was
19 submitted, that vegetation was extended. The
20 duration of the shift, the slight shift to the
21 south of all those panels, that proposed landscape
22 vegetation was extended along that whole length.

23 MS. BRESS: Right. But has it been
24 extended the full length of the abutters, it's
25 still where it was last time, correct? I don't

1 think you have to answer. I know the answer.

2 Thank you. I appreciate it.

3 Okay. All right. I'm going to go to
4 the plant maintenance note, please, on the site
5 plan, Number 3. With no ground irrigation for
6 regular watering on the site plan, who will be
7 watering the plantings and how often?

8 THE WITNESS (Fitzgerald): Ms. Bress,
9 this is Bryan Fitzgerald. The petitioner is
10 responsible for the plant maintenance. So
11 depending on the weather, it would be watered as
12 needed. I would add that there is irrigation that
13 runs through the field almost past where the
14 current location of the inverter pad is. So there
15 is irrigation out there to the extent we needed to
16 use that.

17 Again, it is the petitioner's
18 responsibility to do that. In the past we have
19 hired our sheep grazing contractors to water those
20 plantings that we've made at other sites under an
21 additional scope. So whether it's done by us or
22 it's contracted out, that's something that the
23 petitioner is responsible for doing.

24 MS. BRESS: Thank you. And I did read
25 in your plan that there is no irrigation, so thank

1 you for the correction that there is some by the
2 pad. But I did read specifically in your plan
3 that there was no irrigation for the watering of
4 these plants, that it would be done by a
5 contractor. So that's what I was asking that
6 question for.

7 So does the contract for this work go
8 out to bid and will local contractors who know the
9 area be given any preference in the bidding
10 process? Because I think I just heard you say
11 that the sheep person might be the waterer.

12 THE WITNESS (Fitzgerald): Yes, Ms.
13 Bress. This is Bryan Fitzgerald. So just to
14 clarify quickly, are you referring to the actual
15 construction of the facility as far as the
16 contractor is concerned?

17 MS. BRESS: The watering, I'm still
18 referring to the watering of the vegetation that
19 you're putting in.

20 THE WITNESS (Fitzgerald): Yes,
21 absolutely. So we've done it multiple ways in the
22 past. We've either worked with our construction
23 contractor or we've hired a local nursery, for
24 example, right, to do the initial planting,
25 procure the trees from them, they plant them, they

1 water them, and they provide a one-year warranty,
2 for example. We've done that in the past. We've
3 had it under the scope of our contractor. And
4 then we have hired our sheep grazing partner to
5 water at a different project. So we would pursue
6 it in one of those three ways.

7 MS. BRESS: Okay. And that definitely
8 left up to the petitioner with no input from the
9 municipality or the owner or the abutters, right?

10 THE WITNESS (Fitzgerald): That is left
11 up to the petitioner under the scope of our
12 contract.

13 MS. BRESS: Great. Thank you. And who
14 will be monitoring or inspecting to see that the
15 design plan and watering is being carried out
16 regularly?

17 THE WITNESS (Fitzgerald): Again, this
18 is Bryan Fitzgerald. So the quality control is
19 managed by Verogy project managers. Again, we are
20 what's known as an EPC contractor, meaning, in
21 addition to the initial development work, we'll do
22 the engineering, procurement and construction. So
23 we do have a construction management team in-house
24 that reports back on weekly and daily, weekly
25 progress, and we will manage that internally as

1 far as the plantings are concerned. Obviously,
2 the stormwater is checked on by the local soil
3 conservation districts, and the overall
4 constructability of the array and the integrity of
5 it would be inspected and approved by the local
6 building inspector.

7 MS. BRESS: Okay. So you've sort of, I
8 think you answered my next question which is, can
9 a local contractor with a proven track record with
10 the Town of Windsor or someone in the municipality
11 be able to review the work, so you're saying the
12 local building inspector does have an opportunity
13 to review whether or not the design plan is being
14 carried out?

15 THE WITNESS (Fitzgerald): Correct, Ms.
16 Bress. So this is Bryan Fitzgerald. And in
17 projects that are approved by the Siting Council,
18 before they start construction they have to have
19 their construction drawings, typically their
20 civil, racking structural and electrical approved
21 by the local building inspectors for code
22 compliance. That's on all electrical connections,
23 structural capability of the racking, civil
24 designs, et cetera. So during -- prior to pulling
25 the building permits, the local municipality

1 reviews all those drawings.

2 MS. BRESS: That's very reassuring.
3 Thank you. I guess my question was more though in
4 relation to ongoing maintenance of the plantings
5 and design. So in that case it would not be
6 someone municipality connected, it would just be,
7 again, the contractor that you chose to hire; is
8 that correct?

9 THE WITNESS (Fitzgerald): Ms. Bress,
10 that's correct. So again, that's Verogy's
11 responsibility. And in every situation it's in
12 our best interest to keep those plantings alive.

13 MS. BRESS: Thank you. Okay. So
14 Number 3 and number 5 in the maintenance notes, as
15 a gardener and according to a fellow tree warden
16 -- not a fellow, but a tree warden friend I
17 consulted, the one year as I mentioned before or
18 growing season of watering does not ensure that
19 the plants or trees have been actually
20 established. I've had many die after a year. Can
21 a longer commitment of two years of watering and
22 plant replacement be written into the site plan to
23 ensure that the trees and plants are established
24 and alive after more than a year?

25 THE WITNESS (Fitzgerald): Ms. Bress,

1 Bryan Fitzgerald. We can most likely be amenable
2 to that, to a two-year period instead of a
3 one-year period.

4 MS. BRESS: I appreciate that very
5 much. I just have a couple of questions on the
6 planting notes. I mentioned before the balled and
7 burlapped trees need to have -- they have wire
8 baskets and burlap, but that needs to be removed
9 before planting in order for the plants to
10 establish and thrive. Can that requirement be
11 added to Number 5? It just mentions that they're
12 balled and burlapped, but it doesn't say that it
13 will be removed before planting. That was
14 something someone mentioned to me.

15 THE WITNESS (Fitzgerald): Ms. Bress,
16 this is Bryan Fitzgerald. That commentary can be
17 added in here. Number 5 under plant maintenance
18 notes; is that correct?

19 MS. BRESS: Yes, sir. And then my
20 concern about Number 7, I've already stated, and I
21 apologize but I have to ask the question. So
22 Number 7 clearly states that tree substitutions
23 can be done with the approval of the owner and
24 Verogy. And as I said, while I'm pleased to see
25 the owner's involvement, how does that guarantee

1 that this design will be fulfilled, how does that
2 prevent the design from being changed at whim for
3 a variety of reasons, be it finances or, you know,
4 other reasons? I'm a little concerned about
5 Number 7 because I feel as if, if we don't have
6 some sort of a guarantee that what we're looking
7 at is going to happen, then this is kind of like a
8 waste of time.

9 THE WITNESS (Fitzgerald): Ms. Bress,
10 this is Bryan Fitzgerald. And I guess the
11 response there is that during construction there
12 are progress reports that are delivered to the
13 Siting Council. Upon completion of any project,
14 there's a report delivered to the Siting Council.
15 If we construct something that's materially
16 different than what's on the design, including the
17 landscaping in the landscaping plan, the Siting
18 Council would come back and obviously order us to
19 change that because it was different from the
20 design.

21 MS. BRESS: Thank you. That was my
22 next question, so you answered it. My question
23 was does the Siting Council have any input after
24 it is approved. Thank you so much.

25 THE WITNESS (Parsons): Ms. Bress, this

1 is Brad Parsons. I'd just like to add just to
2 clarify why that note is there. It is there
3 because at certain specific times certain species
4 might not be available, but it is always the
5 intent to replace any species that might be
6 unavailable at the time with a like species or
7 similar species. That is the intent. So not
8 changing an evergreen tree with a deciduous tree,
9 it would be a like evergreen tree.

10 MS. BRESS: Thank you. And I
11 appreciate it. I'm a gardener, so I actually did
12 know the reason, and I do understand that, but I
13 was just concerned that there might be significant
14 changes to this beautiful plan. And I wanted to
15 know that there was some opportunity, and you
16 answered that question that the Siting Council
17 could do that, and your intent is to follow the
18 plan as much as possible. I do appreciate that.

19 Okay. Just a few more questions and
20 then I'm done. Why -- let's see, not why. I
21 know, and I don't know if this is an inappropriate
22 question, although we are referencing the site
23 plan, but it doesn't have to do with the
24 vegetation. I just wanted to ask a follow-up
25 question. Are the inverters enclosed or do they

1 have any buffers or vegetation around them to
2 mitigate noise emissions or is it the same as last
3 time?

4 THE WITNESS (Fitzgerald): Ms. Bress,
5 this is Bryan Fitzgerald. It is the same as the
6 design you saw last time.

7 MS. BRESS: Okay. And are the fans
8 still facing the north, have they not been changed
9 or repositioned to face Amazon or where there are
10 no residential homes, is it the same?

11 THE WITNESS (Fitzgerald): Ms. Bress,
12 this is Bryan Fitzgerald. The fans, looking at
13 the orientation of the pads which are north to
14 south, and the inverters will be mounted along
15 that orientation, correct, the fans would either
16 be facing east or west, not north.

17 MS. BRESS: Okay. Because I think last
18 time honestly, and, you know, my memory is pretty
19 good, we had said that, but then there was a
20 change to the plan and then someone answered and
21 said that the fans were now facing north and
22 south. So I just want to make sure I know which
23 way they are, and that's basically because of
24 noise mitigation. I just was hoping that they
25 would be faced away from people and more toward

1 Amazon. So are you saying now that you think the
2 orientation is east and west now?

3 THE WITNESS (Fitzgerald): That's
4 correct, the orient -- go ahead, Brad.

5 THE WITNESS (Parsons): This is Brad
6 Parsons. I will confirm that the orientation of
7 the inverters are east and west. And as noted in
8 our noise study that was provided, the project
9 would be in compliance with all state and local
10 federal codes with regard to noise as well.

11 MS. BRESS: Okay. Thank you so much.
12 Okay. So the other questions that I have are the
13 distances to the panels and so on. In this new,
14 this site plan, have they changed or are they the
15 same?

16 THE WITNESS (Parsons): Ms. Bress, this
17 is Brad Parsons. The location of the panels have
18 not changed as part of this plan. It was just
19 updated to the landscaping.

20 MS. BRESS: Okay, that's what I
21 thought. So the distances -- and how about --
22 this question I didn't ask last time though. I
23 asked about the distances to the panels, but how
24 close is the site entrance where construction
25 vehicles enter to the residence across the street

1 and the residence in the north?

2 THE WITNESS (Parsons): Bear with me,
3 one second, Ms. Bress.

4 MS. BRESS: No rush. And I can come
5 back to it, if it's helpful to the Council.

6 THE WITNESS (Cerkanowicz): Ms. Bress,
7 this is James Cerkanowicz with the petitioner. I
8 can state that the approximate distance from the
9 entrance, proposed entrance of the site, is
10 roughly 160 feet to the nearest residence.

11 MS. BRESS: Thank you very much. Let's
12 see. So, can I ask this question, after the
13 landscaping changes, how much farmland is being
14 preserved at the moment on this new plan on the
15 site -- reserved, I should say, for farming? I
16 know the patch is there for the farmer to grow his
17 stuff, his feed, but I was just curious how much
18 is actually being reserved or protected.

19 THE WITNESS (Fitzgerald): Ms. Bress,
20 this is Bryan Fitzgerald. We'll get a quick
21 calculation for you.

22 MS. BRESS: Okay, I can move on. So
23 based on that, I was just asking would this site
24 plan involve any other changes to the existing
25 environment which due to their location or nature

1 could result in conversion of farmland to
2 nonagricultural use? That's my concern there,
3 like could anything in this site plan or changes
4 to the environment result in the conversion of
5 some of the farmland, prime farmland to
6 nonagricultural use?

7 THE WITNESS (Fitzgerald): Ms. Bress,
8 this is Bryan Fitzgerald. So our original plan,
9 as all are aware, is to use the sheep grazing here
10 to keep the area that is fenced in from the
11 panels, the affected area of the project, in
12 productive agricultural use, a concept and a
13 method that the Department of Agriculture had
14 signed off on to keep the land in farmland status
15 effectively. So that is our goal currently.

16 I think it was mentioned previously
17 that Mr. Morissette mentioned that the Siting
18 Council has exclusive jurisdiction. If they had
19 mandated us not to do sheep grazing, then that's
20 something we would have to abide by.

21 MS. BRESS: I appreciate that, but I
22 think you may have misunderstood my question. My
23 question was more about the existing environment
24 with the panels being placed, due to their
25 location or nature, would the panels being there

1 result in conversion of farmland to
2 nonagricultural use at the end of the life of this
3 project?

4 THE WITNESS (Fitzgerald): This is
5 Bryan Fitzgerald, Ms. Bress. At the end of the
6 life of this project?

7 MS. BRESS: Or at any time.

8 THE WITNESS (Fitzgerald): At any time
9 it's not our belief that it would.

10 MS. BRESS: Okay. And then at the end
11 of the project --

12 THE WITNESS (Fitzgerald): Then at the
13 end of the term, we have financial assurances in
14 the lease agreement with the landowner to ensure
15 the entire system is decommissioned and removed so
16 that the land could in fact go back to a more
17 traditional agricultural use, row crop, hay
18 farming, et cetera.

19 THE WITNESS (Parsons): Ms. Bress, this
20 is Brad Parsons. We don't control the use of the
21 land after our lease is up as well.

22 MS. BRESS: Okay. But there is nothing
23 in the panels or in the way the panels perform or
24 in the location of the panels that might cause an
25 inability to use that farm as farmland again?

1 THE WITNESS (Parsons): This is Brad
2 Parsons. There is nothing to our knowledge that
3 would cause that to happen.

4 The other thing I would also just like
5 to state. You mentioned prime farmland before.
6 This project is not located on any prime farmland.

7 MS. BRESS: Okay. So it's not
8 designated as prime, but it is just farmland?

9 THE WITNESS (Parsons): Correct.

10 MS. BRESS: Okay. I thought I read
11 that in there. Okay. So thank you. Thank you
12 for that.

13 THE WITNESS (Parsons): And there is
14 also -- sorry, this is Brad Parsons -- I did have
15 a calculation, give or take 6 and a half to 7
16 acres on available remaining area on the north
17 side of the river that the farmer would be using.

18 MS. BRESS: Okay. And how many acres
19 is the facility taking up?

20 THE WITNESS (Parsons): I have that
21 information. Just a second.

22 THE WITNESS (Cerkanowicz): This is
23 James Cerkanowicz. The fenced limits, within the
24 fenced limits of the project is 598,872 square
25 feet, and then I would need to just convert that

1 to acreage in a second here.

2 MS. BRESS: Thank you.

3 MR. MORISSETTE: Ms. Bress, if I could
4 interrupt.

5 MS. BRESS: Yes, sir.

6 MR. MORISSETTE: Your questioning this
7 afternoon is limited to the Late-Filed exhibits
8 that were filed on March 28, 2024. I have allowed
9 you some leeway in asking questions beyond what
10 was filed. So this is just to make you aware that
11 you are to stay within the limits of those
12 Late-Filed exhibits.

13 MS. BRESS: I appreciate that, Mr.
14 Morissette. And I had questions about whether or
15 not it had to be strictly restricted to the
16 vegetation or could it be, because a new site plan
17 was presented, could we ask questions about the
18 site plan. So thank you so much for clarifying
19 that. And thank you for the leeway. I don't
20 believe I have any additional questions about the
21 vegetation.

22 I do have additional questions
23 regarding some of the features of the site plan,
24 but I think I could, in order to be respectful to
25 the Council, I will reserve those concerns or

1 questions -- as soon as I get the acreage
2 answer -- I will reserve those questions or
3 concerns for my ability to do -- I don't know what
4 it's called, the wrap-up or whatever. So thank
5 you very much. If I could just hear, if you
6 wouldn't mind me hearing the question to the
7 acreage that's being used for the facility, I will
8 end my questioning there.

9 THE WITNESS (Fitzgerald): This is
10 Bryan Fitzgerald. The acreage for the facility is
11 approximately 13.5 noted in Section 6 of the
12 petition, by the way, too.

13 MS. BRESS: Thank you. And thank you,
14 Mr. Morissette, for your indulgence and your
15 explanation. I appreciate it.

16 MR. MORISSETTE: Thank you, Ms. Bress.
17 I would like to say there is no wrap-up, per se.
18 When we close the hearing, you will have the
19 opportunity to file briefs --

20 MS. BRESS: Yes, that's what I meant.
21 I couldn't remember the word.

22 MR. MORISSETTE: -- associated with the
23 record but no additional testimony will be
24 allowed.

25 MS. BRESS: I understand that. Thank

1 you. Honestly, I don't think then, if it's about
2 the vegetation, my following questions were
3 basically about the DEEP report or, you know, the
4 site in relation to the DEEP stuff. So I will
5 stop here. And thank you again for the
6 opportunity to ask additional questions.

7 MR. MORISSETTE: Thank you. We'll now
8 continue with cross-examination of the petitioner
9 by the grouped resident intervenors, Leslie
10 Harrison.

11 Leslie.

12 MS. HARRISON: Thank you, Mr.
13 Morissette. I don't have too many.

14 In terms of the visual simulation, I
15 did have a question about all of the photos that
16 were provided. Were they all taken at street
17 level?

18 THE WITNESS (Kochis): This is Steve
19 Kochis of VHB. The north view and the south view
20 were taken from approximately a 5-foot viewing
21 height. The entry view was taken from Google
22 Street View because of our interest in showing the
23 site with full leaf-on as one of the alternatives.
24 And accordingly, I'm not entirely sure of the
25 height, but I would guess that it was probably the

1 height of the Google Street View camera mounted on
2 top of a car.

3 MS. HARRISON: Thank you, Mr. Kochis.
4 The reason for my questioning is I don't see
5 anything in the visual simulation that would
6 indicate how residents in two-story buildings, of
7 which there are many in the Strawberry Hill
8 condominium complex, would see. I don't think the
9 fence would cover it, and I can't remember which
10 gentlemen from WSO spoke to say that the panels
11 would protrude another foot above the fence, but
12 there were no -- am I correct there were no visual
13 simulations that were taken from, say, some kind
14 of a bucket truck that would more closely
15 represent what those of us that have two-story
16 buildings will see.

17 THE WITNESS (Kochis): This is Steve
18 Kochis. That's correct, no visual simulations
19 were performed outside of what has been put into
20 evidence so far.

21 MS. HARRISON: Could someone from WSO
22 make some kind of statement about what kind of
23 glare we might be seeing looking out our
24 second-story windows and how long that would take
25 place given that we're on, or at least I am, on

1 River Street, west side of River Street?

2 THE WITNESS (Parsons): Ms. Harrison,
3 this is Brad Parsons with Verogy and Windsor Solar
4 One. As part of our submission, I believe it was
5 our follow-up to the interrogatories, a glare
6 analysis was completed for this project and that
7 included locations both at basically first floor
8 level as well as second floor level on various
9 locations on the western side of River Street at
10 the locations of those condominiums, and there was
11 no glare as part of that ultimate study result.

12 MS. HARRISON: Okay. How about what I
13 will visually see not including glare? Will I
14 see, for instance, I see Mr. Kochis's picture here
15 on the screen, and I see a whole bunch of solar
16 panels behind him. Is that what I will see out my
17 window, second-story window?

18 THE WITNESS (Parsons): This is Brad
19 Parsons. Ms. Harrison, that photo is taken from
20 ground level as well. You will see solar panels
21 on the site.

22 MS. HARRISON: Okay. Thank you very
23 much.

24 THE WITNESS (Cerkowicz): This is
25 James Cerkowicz. I'd also just like to note

1 that that is a fixed tilt panel array in his
2 background and that the tracking system is smaller
3 in terms of how the panels are grouped and tends
4 to be less visible from my personal experience of
5 seeing where we have another site where we
6 recently developed the trackers.

7 MS. HARRISON: Thank you very much.
8 Okay. Under the -- moving to the planting plan
9 listed as site plan 6.1. Under the plant
10 maintenance notes I believe Mr. Fitzgerald already
11 answered this question, can you remind me who the
12 contractor will be? I don't need a name, but it's
13 basically an overseeing position, is that correct,
14 overseeing others doing tasks?

15 THE WITNESS (Fitzgerald): Ms.
16 Harrison, this is Bryan Fitzgerald. So Verogy
17 acts as the EPC contractor for the engineering,
18 procurement and construction, so the direct
19 oversight of all construction, including the
20 planting of the landscaping plan, would be managed
21 and overseen by project managers employed by
22 Verogy.

23 MS. HARRISON: Thank you. That's what
24 I thought you were going to say. So in Item 4
25 under plant maintenance notes, I believe it

1 currently states water shall be applied in
2 sufficient quantity to thoroughly saturate the
3 soil and the root zone of each plant.

4 Will documentation be provided to the
5 contractor as to how much water should be applied
6 to each different type of plant so to ensure
7 compliance with the directive, "thoroughly
8 saturate"?

9 THE WITNESS (Fitzgerald): Ms.
10 Harrison, this is Bryan Fitzgerald. The
11 landscaping plan herein as well as the final
12 construction drawings would be provided to the
13 actual contractor responsible for doing the work.
14 So they would read it as we're reading it today
15 and be directed to thoroughly saturate the soil
16 and the root zone of each plant.

17 MS. HARRISON: So the contractor would
18 hire people that know what thoroughly saturate
19 means for each different species that's planted?

20 THE WITNESS (Fitzgerald): Ms.
21 Harrison, yes. Again, this is Bryan Fitzgerald.
22 In any event, the construction oversight team at
23 Verogy would instruct those contractors to again
24 follow the landscape plan to a T here to ensure
25 ultimate success of the landscaping plan.

1 MS. HARRISON: Okay. Thank you. Would
2 the contractor be modifying whatever directions
3 are provided based upon whether there's been an
4 inch of rain or more in the preceding week?

5 THE WITNESS (Fitzgerald): Ms.
6 Harrison, this is Bryan Fitzgerald. If the
7 contractor doing the work were to modify anything,
8 it would have to be with Verogy's approval first.
9 So to your point, if there was sufficient
10 rainfall, that would first have to be approved by
11 Verogy to ensure that the watering plan has been
12 executed appropriately.

13 MS. HARRISON: Okay. And if there was
14 no rain in the previous week, would the contractor
15 be required to thoroughly saturate the rootball
16 more than once in the week that follows?

17 THE WITNESS (Fitzgerald): Ms.
18 Harrison, this is Bryan Fitzgerald. Yes, to the
19 extent that is precisely what the plan describes.

20 MS. HARRISON: Okay. The plan just
21 says that they have to, you know, if there's been
22 an inch of rain, it's okay. I don't see any
23 specific directions as to what to do if there
24 hasn't been an inch of rain.

25 THE WITNESS (Fitzgerald): Yes. And

1 from our experience, sometimes it's a decision
2 that gets made by the contractor specifically
3 doing the watering. Like I've mentioned
4 previously today, sometimes that's done by a sheep
5 grazing partner. They've got an agricultural
6 background, so it works out quite well that way.
7 They understand thoroughly what you're describing
8 here right now. And if that plant needs to be
9 saturated, it would be saturated.

10 MS. HARRISON: Okay. Thank you. And
11 can the plan be modified to specifically state
12 what period of calendar time will be used to
13 constitute a week, is it Sunday to Saturday,
14 Monday to Sunday so that we could monitor when
15 we've had an inch of rain as to what day that was?

16 THE WITNESS (Fitzgerald): Ms.
17 Harrison, this is Bryan Fitzgerald. I would move
18 forward under the assumption that the week is
19 Monday to Sunday.

20 MS. HARRISON: Okay.

21 THE WITNESS (Fitzgerald): A typical
22 work week is Monday to Friday, obviously, but I
23 think Monday to Sunday should suffice for this
24 situation.

25 MS. HARRISON: With all due respect,

1 could that be added to the plan specifically,
2 please?

3 THE WITNESS (Fitzgerald): Ms.
4 Harrison, yes, we could add that note in there.

5 MS. HARRISON: Thank you. Under the
6 section entitled planting notes, this one is
7 probably just me not being a gardener, but Item
8 Number 4 states a 3-inch deep mulch per
9 specification shall be installed under all trees
10 and shrubs and in the planting beds. I assume
11 that means on top of the soil, not under the tree
12 and under the shrub?

13 THE WITNESS (Fitzgerald): Ms.
14 Harrison, that is correct. It is, as described,
15 once the tree has been planted the mulch bed there
16 is installed. And while I'm not a landscape
17 architect myself, one did put this together, and
18 that's typically to keep moisture in the soil for
19 a longer period of time.

20 MS. HARRISON: Right. I had to read it
21 two or three times for "under all the trees,"
22 thinking that you were talking about planting and
23 you were going to lay mulch in the hole and then
24 put the tree on top of it, and I was pretty sure
25 that, my limited understanding, that probably

1 wasn't what you intended to do. So what you just
2 described is what I thought you actually meant.
3 Thank you.

4 THE WITNESS (Parsons): Ms. Harrison,
5 this is Brad Parsons. Just to direct you back to
6 our site plans that were submitted under the last
7 Late-File exhibit, there are details on L-6.2 that
8 show just that.

9 MS. HARRISON: 6.2? I only saw 6.1.

10 THE WITNESS (Parsons): That was all
11 that was required as part of this Late-File.

12 MS. HARRISON: You mean the previous
13 Late-File?

14 THE WITNESS (Parsons): Correct.

15 MS. HARRISON: Okay. Thank you. I'm
16 sorry. Staying under the planting notes in Item 5
17 it states, and Lisa approached this from a
18 different direction, it says all trees shall be
19 balled and burlapped, unless otherwise noted in
20 the drawings or specification, or approved by the
21 owner's representative. In the current L-6.1
22 drawing is there any plant that is not to be
23 balled or burlapped? I couldn't find anything on
24 the plan that indicated such.

25 THE WITNESS (Parsons): This is Brad

1 Parsons. There is no plan to have -- all the
2 plants will be balled and burlapped because they
3 will likely come from a nursery. I think that
4 note is meant to represent if you were potentially
5 transplanting a tree on site, you wouldn't ball
6 and burlap a tree that you had just taken --

7 MS. HARRISON: Moved. Okay. Thank you
8 very much. And am I correct that I cannot see
9 anything, I cannot see or read anything in this
10 L-6.1 document that is the actual specification
11 that is cited in Item 5? Item 5 says unless
12 otherwise noted in the drawings, which I can see,
13 or specification. Is the specification a note or
14 is there some other thing that I can't see?

15 THE WITNESS (Parsons): Ms. Harrison,
16 this is Brad Parsons again. In this case, the
17 specifications are the notes. So what you see
18 here is that. There is no intent to have, you
19 know, all these trees are intended to be balled
20 and burlapped and coming from a nursery.

21 MS. HARRISON: Okay. Because I noted
22 that in Item 6 there was a part of that note that
23 said specifically if there was any deviation
24 between the drawing and the specification, the
25 specification would take precedence. And I just

1 wasn't sure if there was something that I couldn't
2 see that was different than that.

3 Okay. In Item 10 it currently states
4 areas designated loam and seed shall receive a
5 minimum of 6 inches of loam and specified seed
6 mix. Are those areas currently identified on the
7 planting plan?

8 THE WITNESS (Kochis): This is Steve
9 Kochis. There are no specific loam and seed areas
10 within the site plan.

11 MS. HARRISON: So does that mean that
12 they're not shown or does that mean that there
13 aren't going to be any?

14 THE WITNESS (Kochis): This is Steve
15 Kochis again. That's intended that there will
16 likely be no loam and seed to 6-inch depths for
17 this site plan.

18 MS. HARRISON: Okay. Did I
19 misunderstand in a previous one of these hearings
20 that there was going to be some kind of planting
21 seed mix that would entice pollinators?

22 THE WITNESS (Parsons): Ms. Harrison,
23 this is Brad Parsons. So yes, I think with regard
24 to the loam and seed within the landscaping plan
25 there was no specific area designated in that

1 situation. However, from an overall standpoint,
2 yes, it is shown on the site plans prior to this
3 L-6.1 that the area will be seeded with a seed mix
4 that has pollinator friendly species.

5 MS. HARRISON: So this L-6.1 that we're
6 looking at today is, we'd have to look backwards
7 to find information about that, it's not all
8 contained on this L-6.1 plan that we're looking at
9 today?

10 THE WITNESS (Kochis): This is Steve
11 Kochis. The idea here is there's no specific loam
12 and seed. I believe the intent here is to not
13 import any loam to the site. It's to use the
14 existing topsoil. It will be, a seed mix will be
15 broadcast onto the site to promote vegetative
16 growth, but the idea is they're not bringing in
17 any loam. So when I answered that we're not going
18 to do loam and seed, we're really not bringing
19 loam in, but we will be seeding it.

20 MS. HARRISON: Could I respectfully ask
21 that the plan be modified to document that as
22 cogently as you just did, please?

23 THE WITNESS (Parsons): This is Brad
24 Parsons. I think we can identify and/or move the
25 location where the seeding is already identified

1 on the plans and move it to the landscape plan
2 should the Council choose to have that done.

3 MS. HARRISON: Right. And I think
4 Mr. Kochis also said no bringing in of loam, so I
5 would think that that sort of documentation would
6 need to be adjusted perhaps.

7 THE WITNESS (Parsons): Ms. Harrison,
8 this is Brad Parsons. I think these are just
9 standard notes that landscapers put on most of
10 their plans. Obviously if we need to remove that,
11 but there is no specific area that is called out
12 as designated loam and seed, so therefore that
13 note would not apply on this specific plan.

14 MS. HARRISON: Okay. Thank you. And I
15 think Lisa Bress asked this question, I think the
16 answer was no, around the equipment pad there's
17 been no consideration of additional plantings on
18 at least the three sides that face residential
19 buildings to help absorb and deflect any of the
20 noise.

21 THE WITNESS (Parsons): This is Brad
22 Parsons. Ms. Harrison, that is correct, no
23 additional plantings around the inverters have
24 been proposed. And as previously stated, our
25 noise study was completed and to show that the

1 project was in compliance.

2 MS. HARRISON: Okay. Thank you very
3 much. That concludes my questions. I appreciate
4 the opportunity to ask them.

5 MR. MORISSETTE: Thank you, Ms.
6 Harrison.

7 We'll now take a 12-minute break and we
8 will come back at 3:50 to resume cross-examination
9 by the Council. Thank you, everyone. We'll see
10 you at 3:50.

11 (Whereupon, a recess was taken from
12 3:39 p.m. until 3:50 p.m.)

13 MR. MORISSETTE: We're back on the
14 record. We will continue with cross-examination
15 of the petitioner by the Council, starting with
16 Mr. Mercier followed by Mr. Silvestri.

17 Mr. Mercier.

18 MR. MERCIER: Thank you. I just had a
19 question on site plan L-6.1, the new revised
20 landscape plan. And earlier we talked, there was
21 testimony regarding the mulching that was Note 3
22 under the planting notes. Is the mulching, is
23 that something that's going to be annually
24 replenished or is that just for the planting phase
25 of the project?

1 THE WITNESS (Fitzgerald): Mr. Mercier,
2 this is --

3 THE WITNESS (Parsons): Go ahead,
4 Bryan.

5 THE WITNESS (Fitzgerald): Sure. Mr.
6 Mercier, this is Bryan Fitzgerald. I was going to
7 mention this is for construction, so that would be
8 for the construction. Any annual replenishment
9 would have to be taken up in the operations and
10 maintenance plan.

11 MR. MERCIER: Okay. Well, is the
12 intent to replenish the mulch annually after the
13 plantings take hold?

14 THE WITNESS (Fitzgerald): Again, this
15 is Bryan Fitzgerald. Mr. Mercier, I guess I would
16 defer to our landscape architect, but to answer
17 that direct, it could be more of a see-as-you-go.
18 And that might not be what you want to hear, but
19 if the plants are taking off and growing and
20 perform in the way we'd ideally like to see them
21 perform, it might not be necessary anymore on an
22 annual basis.

23 MR. MERCIER: Okay. How would you
24 envision them growing, do you anticipate them
25 forming a dense coverage where nothing, you know,

1 will be, can grow under them such as like grass or
2 weeds, so it's just going to be bare dirt or just
3 remnants of mulch with weeds or something?

4 THE WITNESS (Fitzgerald): Mr. Mercier,
5 this is Bryan Fitzgerald. As far as how we
6 anticipate it to grow, I would envision pretty
7 much what you see in the visual simulations. That
8 was at the direction of the landscape architect at
9 a three to four year growth height. But the
10 planting plan also includes a number of shrubs,
11 not necessarily ground dwelling shrubs or so, but
12 areas to kind of fill those gaps from the soil
13 level up or from grass level up. But it's our
14 understanding that vegetation would take over
15 there and sometimes with or without mulch, whether
16 it be weeds taking over or grasses taking over,
17 what we see is that the field sometimes to
18 naturally extend into that area under the trees.

19 MR. MERCIER: Okay. Thank you. At
20 what point of the construction would the plantings
21 occur, would it be, you know, before stabilization
22 of the site, you know, with the grass seed and
23 pollinator mix or is it going to be after?

24 THE WITNESS (Fitzgerald): Mr. Mercier,
25 that's a great question. And I think it's

1 probably a two-part answer because it can be
2 dependent on when and if we're granted the ability
3 to start construction, and by that I mean when we
4 would have the ability to start. Obviously, it
5 would be best to plant these trees in the late
6 fall or early, early spring and not in the middle
7 of the summer. So we'd have to kind of see how
8 that progressed.

9 But Brad, correct me if I'm wrong if
10 you think there would be any impacts to
11 stabilization.

12 THE WITNESS (Parsons): This is Brad.
13 That's correct, I mean, we would still stabilize
14 the site prior to or at least do a temporary
15 stabilization of the site prior to the start of
16 construction, and then time of year would be the
17 point with when we would actually plant the
18 plantings.

19 MR. MERCIER: Yes. I guess my question
20 would be if you did them, you know, near the end
21 of the project before stabilization, would the E&S
22 control fencing be in the way or are you going to
23 put it near the street or is the fencing going to
24 be hugging the perimeter fencing that's supposed
25 to be installed? I wasn't sure how that portion

1 would work out, whether you'd have to take down
2 the erosion control fencing to install the
3 plantings and then reinstall it if it's not
4 stabilized, would you have any insight as to where
5 the --

6 THE WITNESS (Kochis): I'll take that
7 one. This is Steve Kochis. What we typically do
8 on the sites that reach that level, what we've
9 found working with multiple contractors, is we'll
10 reach a period of stabilization at the site that's
11 agreeable to the conservation district and/or CT
12 DEEP, who will be the erosion control overseers,
13 along with the qualified inspector and VHB as
14 engineer of record, and we will work with them to
15 remove the portions of silt fence without risk of
16 erosion that we need to, to install the plantings.

17 And I'll also add, if it adds some
18 clarity, that Note 3 under planting notes right
19 now does state that no plant materials will be
20 installed until all grading and construction has
21 been completed in the area. So that kind of
22 suggests that the planting is going to happen at
23 the end of the construction period.

24 MR. MERCIER: Okay. Since you just
25 mentioned some erosion and sedimentation controls,

1 I understand DEEP has just updated their E&S
2 controls. The old version was 2002 and now the
3 effective date of the new version is March 30,
4 2024. I guess, first of all, is your site beyond
5 50 percent design?

6 THE WITNESS (Kochis): This is Steve
7 Kochis. I would say yes it is beyond 50 percent
8 design. And we're working with CT DEEP to
9 understand the nature of when the new manuals will
10 become effective, especially in regards to
11 projects like this that have been in development
12 for years and as far as if any changes would need
13 to be made since we're going to be going for a CT
14 DEEP Stormwater General Permit sometime later this
15 year.

16 MR. MERCIER: Okay. So you're under
17 consultation with them regarding whatever
18 guideline they decide to use.

19 THE WITNESS (Kochis): This is Steve
20 Kochis. Yes, we'll continue to coordinate with CT
21 DEEP and make sure that we're meeting the
22 appropriate manual. And if any changes are
23 needed, they would be included in our D&M plan for
24 this project.

25 MR. MERCIER: Great. Thank you. One

1 other question I have is regarding the plant
2 schedule up in the upper right corner of the
3 landscape planting plan. You have several species
4 of trees, you have Red Oak, some Balsam Fir, White
5 Spruce. I just heard maybe there might be some
6 Scotch Pine and Blue Spruce potentially. As these
7 grow in height over the years, is there any type
8 of shading concerns, would you have to top any of
9 these trees, would there be any kind of potential
10 shading; and if so, at what potential heights
11 would you have to cut them off at?

12 THE WITNESS (Parsons): This is Brad
13 Parsons. I think when we discussed the selection
14 of these species with the landscape architect when
15 they were posing them, and we believe that while
16 we don't expect to quote-unquote "top" any trees
17 here with this, I think if, you know, selective
18 trimming was required that we may need to do that.
19 However, it's our understanding that likely by the
20 time that these at their 35-year life that will
21 still be within a point where there will be
22 minimal shading impacts with regard to any of the
23 proposed landscaping.

24 MR. MERCIER: Thank you. I have no
25 other questions.

1 MR. MORISSETTE: We'll now continue
2 with cross-examination of the petitioner by Mr.
3 Silvestri followed by Mr. Nguyen.

4 Mr. Silvestri.

5 MR. SILVESTRI: Thank you, Mr.
6 Morissette. I have a few questions regarding the
7 spill prevention and materials storage plan. And
8 if we could turn to page 2 on that, under
9 reporting it says complete an incident report for
10 each spill. Question I have, where would one
11 obtain an incident report?

12 THE WITNESS (Parsons): This is Brad
13 Parsons. I think they would follow whatever the
14 DEEP guidelines for -- the intent was for them to
15 follow whatever DEEP guidelines there are for
16 spill reporting.

17 MR. SILVESTRI: So would that be
18 included should the project be approved within
19 this spill prevention and materials storage plan?

20 THE WITNESS (Parsons): That is not a
21 problem to add that, sir. Again, Brad Parsons.

22 MR. SILVESTRI: Okay. Thank you. And
23 under spill cleanup it has obtain the Spill
24 Response Kit from the designated location on site.
25 Any idea where that designated location might be

1 at this point?

2 THE WITNESS (Parsons): This is Brad
3 Parsons again. No, we don't have any specific
4 idea on where exactly that designated location is.
5 Usually it is something that is part of our
6 contractor's responsibility when they are on site,
7 and they tend to do job briefings every morning
8 where those things are identified.

9 MR. SILVESTRI: And that would probably
10 fall in line as to where any refueling or fuel
11 storage would also go, would that be correct?

12 THE WITNESS (Parsons): That would be
13 correct, Mr. Silvestri.

14 MR. SILVESTRI: All right. Next
15 question I have regards the entry view vegetated
16 buffer depiction that you have. And I'm not sure
17 where we left off with our last discussion on the
18 planting plan, but did we talk about supplementing
19 it with some low growing shrubs? So, for example,
20 where I look at the pickup truck that's parked
21 there, you have a few low growing shrubs on the
22 right side. I'm curious if that could be extended
23 further to the right to kind of cover some of the
24 gaps that are there.

25 THE WITNESS (Parsons): Bear with me,

1 Mr. Silvestri. This is Brad. I'm just trying to
2 pull up that one visual again.

3 MR. SILVESTRI: I'm not sure what the
4 plants are, if they're Rhododendrons or Bayberries
5 or Holly. They look nice to fill in the gaps
6 close to the truck, and I'm curious if it could be
7 extended. We talked the last time about not being
8 able to put more evergreens in because the
9 evergreens in the back are going to spread out,
10 but I'm curious in the foreground if more
11 plantings could be put there.

12 THE WITNESS (Parsons): I'm actually
13 looking. I'm trying to -- this is Brad. I'm
14 trying to actually cross-reference our landscape
15 plan right now with the visual simulation and
16 trying to actually count what's been put there.
17 And it may actually appear that not all the
18 plantings that are on the landscape plan are in
19 and filling that gap area, from what I can tell
20 here, or maybe it's just the angle. It also might
21 be the angle of which the photo was taken.

22 MR. SILVESTRI: I tried to coordinate
23 the two and I couldn't. When I look at L-6.1,
24 there's a bunch of little circles that are there
25 that I have no idea what they are.

1 THE WITNESS (Parsons): This is Brad.
2 I can say when we look at L-6.1 there, you see the
3 three larger proposed trees with the inverted half
4 circles?

5 MR. SILVESTRI: Yes.

6 THE WITNESS (Parsons): Those are the
7 three taller trees you can see in that visual
8 simulation photo.

9 MR. SILVESTRI: Correct.

10 THE WITNESS (Parsons): And obviously
11 when you're looking at that third tree from the
12 south on L-6.1, you can definitely see that there
13 should be shrubs in front of that third tree. So
14 again, I'm not sure if it's just the angle at
15 which we're looking at that or whether those were
16 mistakenly omitted from the visual simulation.

17 MR. SILVESTRI: So it's possible that
18 the visual simulation would be enhanced based on
19 what you have on L-6.1.

20 THE WITNESS (Parsons): I believe so,
21 sir, from looking at it. The way that I'm seeing
22 this and trying to correlate the visual simulation
23 that's there, it does appear to me that the shrubs
24 on the north side of the, what I'll call the
25 circle with the dot there on L-6.1, just south of

1 the driveway, that there's six shrubs there. And
2 it does appear to me that all six of those are
3 shown. It's hard to kind of count in there, but
4 the ones on the south side of that larger circle
5 with the dot in the center of it, that those may
6 not be showing up on the visual screening itself.

7 MR. SILVESTRI: That's what I don't see
8 at that point. And like I say, if it's on L-6.1,
9 it should be on your entry view vegetated buffer
10 depiction which I think would be nice to fill in
11 the gaps that I see there. So that's my whole
12 point of trying to get there.

13 THE WITNESS (Parsons): Yeah. And I
14 think it should be there, sir. It might have just
15 been something that was missed in the revised plan
16 when this was updated.

17 MR. SILVESTRI: Very good. Mr.
18 Morissette, that's all I have. And I thank you,
19 and I thank the panel.

20 MR. MORISSETTE: Thank you, Mr.
21 Silvestri. We'll now continue with
22 cross-examination by Mr. Nguyen followed by Mr.
23 Golembiewski.

24 Mr. Nguyen.

25 MR. NGUYEN: I have no questions, Mr.

1 Morissette. Thank you.

2 MR. MORISSETTE: Thank you, Mr. Nguyen.
3 We'll now continue with cross-examination by Mr.
4 Golembiewski followed by Dr. Near.

5 Mr. Golembiewski.

6 MR. GOLEMBIEWSKI: Thank you, Mr.
7 Morissette. I have no questions.

8 MR. MORISSETTE: Thank you, Mr.
9 Golembiewski. We'll continue with
10 cross-examination by Dr. Near followed by Mr.
11 Carter.

12 Dr. Near.

13 (No response.)

14 MR. MORISSETTE: Okay. We'll move on.
15 Dr. Near is not with us. We'll move on to Mr.
16 Carter.

17 Mr. Carter, any cross-examination?

18 MR. CARTER: Just one thing actually.
19 I just want to look at the last page of the spill
20 prevention plan. I just noticed a typo I just
21 wanted to get cleared up. Under section 4, site
22 and emergency contact info under local fire
23 department I just wanted to note that fire marshal
24 just has one "L."

25 MR. MORISSETTE: Thank you, Mr. Carter.

1 MR. CARTER: And that's all that I
2 have. Thank you.

3 MR. MORISSETTE: Very good. Thank you.
4 And I have no follow-up questions for the
5 petitioner. So that concludes our hearing for
6 today. Therefore, before closing this evidentiary
7 record in this matter, the Connecticut Siting
8 Council announces that briefs and proposed
9 findings of fact may be filed with the Council by
10 any party or intervenor no later than May 9, 2024.
11 The submission of briefs and proposed findings of
12 fact are not required by this Council; rather, we
13 leave it to the choice of the parties and
14 intervenors.

15 Anyone who has not become a party or
16 intervenor but who desires to make his or her
17 views known to the Council, may file written
18 statements with the Council within 30 days of the
19 date hereof.

20 The Council will issue draft findings
21 of fact, and thereafter parties and intervenors
22 may identify errors or inconsistencies between the
23 Council's draft findings of fact and the record.
24 However, no new information, no new evidence and
25 no arguments and no reply briefs without our

1 permission will be considered by the Council.

2 Copies of the transcript of this
3 hearing will be filed in the Windsor Town Clerk's
4 office.

5 I hereby declare this hearing
6 adjourned. And thank you everyone for your
7 participation. Go out and enjoy the beautiful day
8 out there. Thank you.

9 (Whereupon, the hearing concluded at
10 4:07 p.m.)

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE FOR REMOTE HEARING

2
3
4 I hereby certify that the foregoing 105 pages
5 are a complete and accurate computer-aided
6 transcription of my original stenotype notes taken
7 of the CONTINUED REMOTE HEARING held before the
8 CONNECTICUT SITING COUNCIL IN RE: PETITION NUMBER
9 1598, Windsor Solar One, LLC Petition for a
10 Declaratory Ruling, pursuant to Connecticut
11 General Statutes, Section 4-176 and Section
12 16-50k, for the proposed construction, maintenance
13 and operation of a 3.0-megawatt AC solar
14 photovoltaic electric generating facility located
15 at 445 River Street, Windsor, Connecticut, and
16 associated electrical interconnection, which was
17 held before JOHN MORISSETTE, PRESIDING OFFICER, on
18 April 9, 2024.
19
20
21
22
23
24
25

Lisa Warner

Lisa L. Warner, CSR 061
Court Reporter

I N D E X

PARTY - TOWN OF WINDSOR

WITNESSES: (Sworn on page 7)

ERIC BARZ
TODD SEALY
SUZANNE CHOATE

EXAMINERS:

	PAGE
Mr. Sjoberg (Direct)	8
Mr. Mercier (Start of cross)	11
Mr. Silvestri	13
Mr. Hoffman	15

PARTY - KEITH AND LISA BRESS

WITNESS: (Sworn on page 21)

LISA BRESS

EXAMINERS:

	PAGE
Mr. Morissette	21
Mr. Mercier (Start of cross)	24
Mr. Hoffman	32
Ms. Harrison	36

GROUPED RESIDENT INTERVENORS

WITNESSES: (Sworn on page 40)

LESLIE HARRISON
WILLIAM WILLIAMS
JENNIFER WILLIAMS

EXAMINERS:

	PAGE
Mr. Morissette	41
Mr. Mercier (Cross)	44

1 I n d e x: (Cont'd)

2
3 PETITIONER - WINDSOR SOLAR ONE, LLC

4 WITNESSES: (Previously sworn)
5 JAMES CERKANOWICZ
6 BRAD PARSONS
7 BRYAN FITZGERALD
8 STEVE KOCHIS
9 ERIK BEDNAREK

EXAMINERS:	PAGE
Mr. Hoffman (Direct)	51
Mr. Sjoberg (Start of cross)	55
Ms. Bress	56
Ms. Harrison	78
Mr. Mercier	91
Mr. Silvestri	98

10
11
12 TOWN OF WINDSOR EXHIBITS
13 (Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
III-B-1	Town of Windsor request for party status, dated December 8, 2023	11
III-B-2	Town of Windsor responses to petitioner interrogatories, dated February 1, 2024	11
III-B-6	Town of Windsor prefiled testimony of Eric Barz, dated February 2, 2024	11

14
15
16 LISA BRESS EXHIBITS
17 (Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
IV-B-1	Bress request for party status, dated December 11, 2023	23
IV-B-2	Prefiled testimony of Lisa Bress, dated February 1, 2024	23

1 I n d e x: (Cont'd)

2
3
4 GROUPED RESIDENT INTERVENOR EXHIBITS
(Received in evidence)

5 EXHIBIT	DESCRIPTION	PAGE
6 V-B-1	Leslie Harrison request for 7 intervenor status, dated December 11, 2023	44
8 V-B-2	William and Jennifer Williams request for intervenor status, 9 dated December 13, 2023	44

10
11 PETITIONER WINDSOR SOLAR ONE, LLC
12 LATE-FILE EXHIBITS
(Received in evidence)

13 EXHIBIT	DESCRIPTION	PAGE
14 II-B-1A	Revised Spill Prevention and 15 Materials Storage Plan	54
16 II-B-1B	Revised site plan L-6.1 planting plan	54
17 II-B-1C	Resume of Erik Bednarek	54
18 II-B-1D	Photo simulations of the facility 19 based on revised planting plan	54