

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

PETITION NUMBER 1598

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

VIA ZOOM AND TELECONFERENCE

Continued Public Hearing held on Tuesday, March 19, 2024, beginning at 2 p.m., via remote access.

H e l d   B e f o r e :

JOHN MORISSETTE, Presiding Officer

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**  
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13  
14   **Council Staff:**

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

17       **ROBERT MERCIER**  
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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**

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1 MR. MORISSETTE: Good afternoon, ladies  
2 and gentlemen. This continued evidentiary hearing  
3 is called to order this Tuesday, March 19, 2024,  
4 at 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.

16 Other members of the Council are Mr.  
17 Silvestri, Mr. Nguyen, Mr. Golembiewski and Mr.  
18 Carter.

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

23 This evidentiary session is a  
24 continuation of the public hearing held on  
25 February 8, 2024. It is held pursuant to the

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

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

18 Please be advised that the Council's  
19 project evaluation criteria under the statute does  
20 not consider the property values.

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

25 We will take a 10 to 15 minute break at

1 a convenient juncture at around 3:30.

2 We'll now continue with the appearance  
3 of the petitioner. In accordance with the  
4 Council's February 9, 2024 continued evidentiary  
5 hearing memo, we will continue with the appearance  
6 of the petitioner, Windsor Solar One, LLC, to  
7 verify the new exhibits marked as Roman numeral  
8 II, Item B-9 on the hearing program.

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

14 (Pause.)

15 Attorney Hoffman?

16 ATTORNEY HOFFMAN: Can you hear me now?

17 MR. MORISSETTE: I can hear you now.

18 Thank you. Please continue.

19 ATTORNEY HOFFMAN: I think Attorney  
20 Bachman was playing games with me.

21 So, in any event, we filed five  
22 Late-Filed exhibits, Mr. Morissette. We filed a  
23 visibility assessment of the proposed facility  
24 from the west side of River Street, including  
25 locations with and without intervening trees.

1           We filed a copy of the preliminary  
2 Department of Energy and Environmental Protection  
3 Natural Diversity Data Base determination letter  
4 that Windsor Solar One received.

5           We provided a copy of the Phase 1B  
6 Cultural Resources Survey and the response from  
7 the State Historic Preservation Office.

8           We filed a revised site plan that shows  
9 increased distance of the proposed facility from  
10 the northern property line with additional  
11 landscaping.

12           And we provided a noise analysis for  
13 the proposed facility.

14           Those those are the exhibits that are  
15 listed in the program at B-9.

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

22           having been previously duly sworn, continued  
23 to testify on their oaths as follows:  
24  
25

1 DIRECT EXAMINATION

2 ATTORNEY HOFFMAN: And so I would ask  
3 Mr. Fitzgerald, are you familiar with the exhibits  
4 that I just listed?

5 THE WITNESS (Fitzgerald): Yes, I am.

6 ATTORNEY HOFFMAN: And are they  
7 accurate to the best of your knowledge?

8 THE WITNESS (Fitzgerald): Yes, they  
9 are.

10 ATTORNEY HOFFMAN: And do you have any  
11 changes to those exhibits at this time?

12 THE WITNESS (Fitzgerald): I do not.

13 ATTORNEY HOFFMAN: And do you adopt  
14 them as your sworn testimony?

15 THE WITNESS (Fitzgerald): Yes, I do.

16 ATTORNEY HOFFMAN: Mr. Cerkanowicz, I  
17 would ask you if you're familiar with the exhibits  
18 that I just listed.

19 THE WITNESS (Cerkanowicz): I am.

20 ATTORNEY HOFFMAN: And are they  
21 accurate to the best of your knowledge?

22 THE WITNESS (Cerkanowicz): Yes.

23 ATTORNEY HOFFMAN: And do you have any  
24 changes to those exhibits?

25 THE WITNESS (Cerkanowicz): I do not.



1                   ATTORNEY HOFFMAN: And do you adopt  
2 them as your sworn testimony here today?

3                   THE WITNESS (Cerkowicz): Yes, I do.

4                   ATTORNEY HOFFMAN: Mr. Kochis, are you  
5 familiar with the exhibits that I just listed?

6                   THE WITNESS (Kochis): Yes, I am.

7                   ATTORNEY HOFFMAN: And are they  
8 accurate to the best of your knowledge?

9                   THE WITNESS (Kochis): Yes.

10                  ATTORNEY HOFFMAN: And do you have any  
11 changes to make to these exhibits?

12                  THE WITNESS (Kochis): No.

13                  ATTORNEY HOFFMAN: And do you adopt  
14 them as your sworn testimony here today?

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

16                  ATTORNEY HOFFMAN: And then, Mr.  
17 Parsons, are you online?

18                  THE WITNESS (Parsons): Yes, I am.

19                  ATTORNEY HOFFMAN: Very good. Mr.  
20 Parsons, are you familiar with the exhibits that I  
21 just listed?

22                  THE WITNESS (Parsons): Yes, I am.

23                  ATTORNEY HOFFMAN: And are they  
24 accurate to the best of your knowledge?

25                  THE WITNESS (Parsons): Yes, they are.

1           ATTORNEY HOFFMAN: And do you have any  
2 changes to those exhibits?

3           THE WITNESS (Parsons): No, I do not.

4           ATTORNEY HOFFMAN: And do adopt them as  
5 your sworn testimony today?

6           THE WITNESS (Parsons): Yes, I do.

7           ATTORNEY HOFFMAN: Thank you, sir.

8           With that, Mr. Morissette, I would ask  
9 that those five exhibits be adopted into evidence  
10 into the record.

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

13           Does any party or intervenor object to  
14 the admission of the petitioner's new exhibits?

15           Attorney DeCrescenzo?

16           ATTORNEY DECRESCENZO: No objection.

17           MR. MORISSETTE: Thank you. Lisa  
18 Bress?

19           MS. BRESS: No.

20           MR. MORISSETTE: Thank you. And the  
21 grouped resident intervenors?

22           MS. HARRISON: This is Leslie Harrison.  
23 I do not.

24           MR. MORISSETTE: Thank you, Ms.  
25 Harrison. The exhibits are hereby admitted.

1 (Petitioner's Exhibits II-B-9A through  
2 II-B-9G: Received in evidence - described in  
3 index.)

4 MR. MORISSETTE: We'll now begin with  
5 cross-examination of the petitioner by Keith and  
6 Lisa Bress.

7 Lisa Bress.

8 CROSS-EXAMINATION

9 MS. BRESS: Thank you. And thank you  
10 to the Siting Council for this opportunity. I  
11 just have to preface my comments by saying I'm not  
12 a lawyer. Reports were difficult to read, but I'm  
13 going to do my best to ask the questions that my  
14 son and I have about the project.

15 The first question, set of questions is  
16 around the Figure 5A layout change because one of  
17 my questions is, is this the actual new layout or  
18 should I be asking questions based on the previous  
19 layout?

20 THE WITNESS (Fitzgerald): This is  
21 Bryan Fitzgerald. This is the new layout, the  
22 Figure 5A.

23 MS. BRESS: Great. Thank you very  
24 much. Then the following questions will be  
25 related to that. My first question was, does

1 anyone know what percentage of farmland is being  
2 used for this new layout?

3 THE WITNESS (Fitzgerald): Ms. Bress,  
4 this is Bryan Fitzgerald. The layout itself was a  
5 shift to create more setback against the northern  
6 property line. We are going to do a quick  
7 calculation here to give you the percentage of  
8 farmland.

9 MS. BRESS: Thank you.

10 THE WITNESS (Fitzgerald): But it's our  
11 anticipation that it did not change from the first  
12 version as it was slightly moved on the property,  
13 the layout was.

14 MS. BRESS: Right. In the interest of  
15 time, you can just tell me when you have that. I  
16 can move on. I'm not -- you know, as long as I  
17 get the answer, that would be great.

18 THE WITNESS (Fitzgerald): Thank you.

19 MS. BRESS: Thank you too. So my next  
20 question, of course, is what is the address of the  
21 nearest residence to the panels and the equipment  
22 pad after the layout changes?

23 THE WITNESS (Fitzgerald): Ms. Bress,  
24 this is Bryan Fitzgerald. We are pulling that  
25 right now as well.

1 MS. BRESS: Okay. That one I'll wait  
2 for because it's a little important in terms of  
3 the next couple of questions. I would assume it's  
4 still 166 Eastwood, which is my son's residence,  
5 but I'm not sure. I don't want to make that  
6 assumption incorrectly.

7 THE WITNESS (Cerkanowicz): Ms. Bress,  
8 I can state that the new -- in answer to your  
9 first question -- this is James Cerkanowicz -- the  
10 limit of disturbance on the new current layout is  
11 17.5 acres, so that is roughly the amount of  
12 farmland.

13 MS. BRESS: Thank you. Thank you so  
14 much.

15 THE WITNESS (Cerkanowicz): And I'd  
16 have to, in order to give you a percentage, I  
17 would have to take that, divide it by --

18 MS. BRESS: That's fine. That's fine.  
19 And do you know the total acreage of farmland  
20 that's available there?

21 THE WITNESS (Cerkanowicz): I would  
22 have to pull that number separately.

23 MS. BRESS: That's okay. Just curious  
24 about that as well. Yeah, so the second question  
25 was just, what is the nearest address to the

1 panels, was there any change in terms of who was  
2 closest to the panels? And then the second part  
3 of that question was, who's closest to the  
4 equipment pad after the layout changes?

5 THE WITNESS (Cerkanowicz): This is  
6 James Cerkanowicz. I can state that the equipment  
7 pad more or less did not change in location, that  
8 even with the change in panels the location of the  
9 equipment pad did not change materially.

10 MS. BRESS: So I believe 166 was the  
11 closest there. How about the panels now?

12 THE WITNESS (Cerkanowicz): This is  
13 James Cerkanowicz. Yes, your son's residence -- I  
14 apologize, I don't have the memorized address --  
15 that is still the closest residence by my  
16 calculation. That distance has increased, I  
17 believe, previously. We cited a figure of  
18 approximately 105 feet from the nearest panel to  
19 that residence. That has now been increased to  
20 200 feet.

21 MS. BRESS: Thank you. And can you  
22 convert that by any chance into miles, is it a  
23 half a mile, a quarter of a mile, an eighth of a  
24 mile? I'm not very good at math.

25 THE WITNESS (Cerkanowicz): Sure. So

1 that would be 200 divided by 5,280 feet which is  
2 .038 miles.

3 MS. BRESS: Okay. Thank you so much.

4 So the next questions are about are the  
5 battery storage systems and the inverters and the  
6 other equipment in the new layout placed as far as  
7 they can be from the closest home or other homes  
8 that are not already existing on the site?

9 THE WITNESS (Fitzgerald): Ms. Bress,  
10 this is Bryan Fitzgerald. I just want to confirm.  
11 There are no battery storage systems in this  
12 project. There are, however, the inverters and  
13 the transformers as you've mentioned.

14 MS. BRESS: Yes.

15 THE WITNESS (Fitzgerald): So in its  
16 current configuration, yes, they are placed as far  
17 as they can be placed within reason away from  
18 those residences.

19 MS. BRESS: Okay. And what does  
20 "within reason" mean, please?

21 THE WITNESS (Fitzgerald): Within  
22 efficiency.

23 MS. BRESS: Okay. So there are  
24 qualifiers, in other words, that would dictate  
25 that it would be placed there?

1                   THE WITNESS (Fitzgerald): There are.  
2 And again, this is Bryan Fitzgerald. So, for  
3 example, the point of interconnection for the  
4 project is located off of River Street to the  
5 southwestern corner where you have Old River  
6 Street and River Street. So the further we are  
7 away from that point of interconnection where the  
8 meters are, the longer the run is and the losses,  
9 the electrical losses start to increase the larger  
10 the distance you travel.

11                   So what I meant by "within reason" is  
12 that for efficiency sake, in order to limit  
13 losses, the location that we placed the  
14 transformers and the inverters, based on our  
15 design criteria and design specifications and  
16 those supported by the noise study here that was  
17 also provided, are at a distance that is great  
18 enough so that no noise would travel beyond the  
19 fence limits of the proposed project.

20                   So within our long-winded way of  
21 saying, based on our design criteria, they are  
22 placed in an efficient location on the project  
23 parcel. They could be placed further from River  
24 Street and from the address that you're  
25 referencing. However, that would mean they get



1 closer to other addresses on River Street as well.  
2 So again, where they currently are is by our  
3 design criteria an efficient location.

4 MS. BRESS: Okay. Thank you for that.  
5 My question then would be, could it be located  
6 further east abutting Amazon where there are no  
7 people and residences? I understand the  
8 efficiency issue, but what amount of efficiency  
9 would be -- how would the efficiency be decreased  
10 if it were to be located further east abutting  
11 Amazon rather than where it is located now?

12 THE WITNESS (Fitzgerald): Ms. Bress,  
13 this is Bryan Fitzgerald. So it is currently  
14 located abutting the Amazon property line, much  
15 closer to the Amazon property line than it is any  
16 other property line that abuts the project to the  
17 west. Now, we'd have to run a specific electrical  
18 calculation to calculate the losses by moving it  
19 further away. However, to go back to the design  
20 criteria, if you are looking at Figure 5A, you'll  
21 notice that it's also located directly north of an  
22 existing tobacco shed or tobacco barn on the  
23 property.

24 And again, that location of the  
25 inverters and the transformers was put there in

1 order to be effectively, you know, screened by  
2 that existing structure. So again, I would repeat  
3 that it's in an efficient location based on our  
4 electrical calculations, the civil design and the  
5 supporting noise study that we've provided as part  
6 of the Late-File exhibits.

7 MS. BRESS: Okay. Well, I'm looking at  
8 5A as well and my question really was, could the  
9 design be amended so that any of the four other  
10 points southeast of the equipment pad could be  
11 used so that the pad is set back even further from  
12 the homes across the street and further obscured  
13 from view? So that was my question. There's  
14 about four points on the diagram that are further  
15 out, closer to Amazon and away from the street.  
16 So that was my question, can any of those other  
17 four points southeast of the equipment pad be used  
18 to set back this pad even further from the homes  
19 across the street and obscure it from view? That  
20 was my question.

21 THE WITNESS (Fitzgerald): Ms. Bress,  
22 again, yes, this is Bryan Fitzgerald. And yes, it  
23 could be, again, further moved to the east, it  
24 could. We don't necessarily think it needs to be  
25 based on the criteria that I mentioned.

1 MS. BRESS: Okay. Thank you. I just  
2 wanted to bring that up. Thank you.

3 THE WITNESS (Kochis): And Ms. Bress,  
4 this is Steve Kochis, the project engineer from  
5 VHB. I was measuring some of the distances in my  
6 model, and the residence to the north, which will  
7 be your son's residence, and as James noted is  
8 about 200 feet away, is no longer the closest  
9 residence to a panel. I'd have to see what the  
10 residence number was.

11 MS. BRESS: It's probably someone in  
12 the same row.

13 THE WITNESS (Kochis): It's someone on  
14 the west side of River Street that's about 170  
15 feet to a panel at the closest.

16 MS. BRESS: It's those four homes, yes,  
17 I figured that out. Thank you. I appreciate  
18 that. Okay. So I appreciate you're considering  
19 that question because I do believe that it could  
20 be possible.

21 So now I have a question again. And  
22 these are questions that I have, but again, I  
23 don't have technical expertise, so they are  
24 layperson questions, so please forgive me. Will  
25 the project be using lithium iron phosphate

1 batteries which are more stable than lithium ion  
2 batteries that are required to pass the stringent  
3 fire safety standards?

4 THE WITNESS (Fitzgerald): Ms. Bress,  
5 this is Bryan Fitzgerald. The project does not  
6 have any battery storage component to it, so it is  
7 strictly solar energy alone, no battery storage.

8 MS. BRESS: Okay. Fabulous. In the  
9 event of an equipment or machinery fire, my  
10 concern is what type of agents will be used, will  
11 clean agents be used like inert gases so that  
12 they're considered safe for people and the  
13 environment?

14 THE WITNESS (Fitzgerald): Ms. Bress,  
15 this is Bryan Fitzgerald. Anything that would be  
16 used to fight a fire or other issue out there  
17 would be in conformance with our ability to  
18 operate on the property. For example, we are  
19 often held to stringent requirements to the extent  
20 of, you know, we can't use certain chemicals,  
21 herbicides, pesticides, for example, in any type  
22 of landscaping measures. So we would have the  
23 same approach there.

24 I would also mention we have to date  
25 had one conversation with the fire marshal in the

1 Town of Windsor. We do anticipate having  
2 additional conversations with them to discuss the  
3 tactics and measures to address specific emergency  
4 situations like the one you described. We are  
5 working with outside consultants to help and  
6 administer any kind of training efforts to the  
7 local emergency responders, and that is something  
8 that we would also make available to the local  
9 fire department here in Windsor.

10 MS. BRESS: Thank you. So I guess my  
11 question regarding -- I guess my question would be  
12 then, are those requirements that you speak of,  
13 are they put into any contracts or construction  
14 plans for this project, the use of those types  
15 of -- I know you said there's some regulations and  
16 so on, but is that put into the contract so  
17 construction plans for the project that those will  
18 be used?

19 THE WITNESS (Cerkanowicz): This is  
20 James Cerkanowicz. There are no special chemicals  
21 or substances that would need to be utilized in  
22 the event of a fire. That's strictly water that  
23 is utilized to put the fire out.

24 MS. BRESS: Thank you. I appreciate  
25 that. Okay. I know there was a floodplain

1 assessment done or some sort of flood risk  
2 assessment done, so I had a couple of questions  
3 about runoff and flooding. Would the amended  
4 project design expose people or structures to  
5 risks that include like downslope or downstream  
6 flooding as a result of runoff or drainage changes  
7 of any kind?

8 THE WITNESS (Kochis): This is Steve  
9 Kochis. I would say no. To put it simply, the  
10 site discharges to the south to the wetland  
11 corridors and not in the direction of any houses  
12 whatsoever. That said, the analysis that we  
13 performed at VHB showed that the active farm  
14 fields today that are fallow produce, you know, a  
15 fair bit of runoff without infiltrative  
16 capabilities. And once the site is completed, it  
17 will be completely lush grass which will slow down  
18 the runoff. And we've seen that successfully on  
19 other sites that have been constructed as well.  
20 So by all metrics, the amount of runoff and the  
21 volume and the peak rates of runoff, stormwater  
22 runoff from the site will be reduced once the  
23 project is fully completed and vegetated.

24 MS. BRESS: Thank you. And is the  
25 grass still in the project to be put in there for

1 the retaining of water and so on?

2 THE WITNESS (Kochis): This is Steve  
3 Kochis. Yes, the expectation is that as part of  
4 our CT DEEP Stormwater General Permit, which the  
5 project will have to secure, that we will not be  
6 able to close our permit until we have shown  
7 multiple years of vegetative growth at the site.

8 MS. BRESS: Okay. And what about  
9 during construction on the project, is there any  
10 soil that's going to be disturbed, or you did say  
11 after the completion of the project. So what  
12 about during the project is there any risk of  
13 runoff or flooding to any of the neighbors across  
14 the street during that time?

15 THE WITNESS (Kochis): This is Steve  
16 Kochis. We don't believe there's any specific  
17 risk of flooding neighbors across the street at  
18 all to the west or to the north. Again, the  
19 drainage patterns will be maintained on the site  
20 throughout construction. Of course I would say it  
21 is standard that any construction project carries  
22 a degree of risk of erosion, but that's the intent  
23 of the erosion control plan that we've produced  
24 and of the installation of the sediment basin in  
25 the south part of the site.

1           So basically the entire site drains to  
2 that basin. That basin will remain as designed to  
3 infiltrate sediment and collect stormwater,  
4 infiltrate it, and hold sediment before it's  
5 deposited off the site. And that sediment basin  
6 will remain as part of our stormwater general  
7 permit until we are legally allowed to remove it  
8 at the direction of CT DEEP.

9           MS. BRESS: Thank you. That's very  
10 informative. And so that leads me just to ask  
11 about people to the south. What if the basin  
12 overflows or is there a possibility, since  
13 everything is draining from everywhere on the site  
14 according to the map, would people across the  
15 street in the south or in the southern part of the  
16 neighborhood be at risk for any flooding during  
17 construction or after the project is completed?

18           THE WITNESS (Kochis): This is Steve  
19 Kochis again. No, we do not. We at VHB do not  
20 believe so. The site completely drains to the  
21 wetland corridor that goes under River Street.  
22 And we do not, because the site today is a fallow  
23 farm field, we don't anticipate that there's any  
24 portions of time that there would be increased  
25 runoff.



1           Furthermore, it certainly is feasible  
2 and expected that the sediment basin will  
3 discharge clean stormwater runoff during  
4 construction. It's not intended to capture 100  
5 percent of all rainfall events, but the idea is  
6 that the water that leaves the sediment basin will  
7 be clean, and the Stormwater Management Plan has  
8 proven that we will not be increasing volumes or  
9 leak rates from the site at any points during  
10 construction.

11           MS. BRESS: Thank you. And did I read  
12 the report correctly that it was based on one inch  
13 of rainfall -- I'm not sure if I read that  
14 right -- and if so, what happens if there is,  
15 like, we've been having deluges lately, what  
16 happens if there's more than one inch?

17           THE WITNESS (Kochis): This is Steve  
18 Kochis again. So there's a couple things at play  
19 there. The one inch rainfall event isn't really  
20 applicable to this project because of the spacing  
21 of the panels and the fact that we don't need  
22 permanent water quality treatment in accordance  
23 with CT DEEP stormwater quality regulations. So  
24 that hasn't been considered in the design because  
25 it's not pertinent to the layout of the project.

1                   And in general, to answer your  
2 question, the fact is we're not -- the stormwater  
3 management is designed based off of a  
4 preconstruction and a post-construction analysis  
5 of the site regarding the way the site functions  
6 today and the way the site will function once the  
7 project is operational and of course being  
8 protected during the construction as well. That  
9 is to say, you could get a deluge of water today  
10 that would have a chance of flooding downstream  
11 properties. However, in the future that chance  
12 will be reduced by the implementation of this  
13 project. So I can't sit here and promise that it  
14 will never flood anything, but the fact is we are  
15 making the situation better.

16                   MS. BRESS: Okay. Thank you. I  
17 appreciate that information because the other  
18 question I had was could the project result in  
19 substantial adverse physical impacts to the  
20 federally protected Farmington River Scenic Area  
21 behind the houses across the street. So I'm  
22 gathering the answer would be similar.

23                   THE WITNESS (Kochis): This is Steve  
24 Kochis. That's correct, I would anticipate that  
25 the Farmington River would not be affected by the

1 construction of the project.

2 MS. BRESS: So none of the runoff or  
3 any of the stuff that's going south during  
4 construction on construction materials or on any  
5 of the panels or any of the materials in the  
6 project that could or might be toxic, none of that  
7 will be running off down south into the storm  
8 drain, et cetera, into the Farmington River?

9 ATTORNEY HOFFMAN: Mr. Morissette, I'm  
10 going to object to that question in that it's  
11 calling into evidence toxic discharges that have  
12 never been testified to. I'm going to instruct  
13 the witness to answer, but I don't appreciate the  
14 characterization there.

15 MS. BRESS: I said possible. I didn't  
16 say that it was. I said possible. Thank you.

17 MR. MORISSETTE: The objection is  
18 sustained. So if you could please reword your  
19 question.

20 MS. BRESS: Sure. I'll take the toxic  
21 out. Could the project result in substantial  
22 adverse impacts to the protected Farmington River  
23 Scenic Area if it were to go -- see, now I lost  
24 the question because I'm over 60. Without the  
25 toxicity, I just wanted the answer to that

1 question. Would it possibly, even though it's  
2 running out into the system that you described,  
3 which sounds very efficient, could it still reach  
4 the Farmington River area that's protected?

5 THE WITNESS (Kochis): This is Steve  
6 Kochis. The project as designed will not have  
7 substantial impacts to the Farmington River above  
8 and beyond those potential impacts that exist  
9 today at the site. And as I've noted, we're  
10 making the situation better by grassing it,  
11 slowing down the runoff and reducing the sediment  
12 loss on the site.

13 And just to touch on your first  
14 question, the project does include a spill  
15 prevention control and countermeasure plan in the  
16 event of having a proper cleanup should a spill  
17 occur during construction.

18 MS. BRESS: Thank you. That's very  
19 appreciated, that information. Okay. So the only  
20 other question I have is about washing the panels,  
21 I read. Would the panels need to be washed and  
22 would the land that abuts the property need to be  
23 irrigated? And I read about washing and I read  
24 about heat. So will the panels need to be washed  
25 and where will that water come from and how will

1 it be drained, and then would the abutting  
2 properties need to be irrigated due to any heat  
3 generation or any other kinds of stuff that might  
4 come from the project?

5 THE WITNESS (Fitzgerald): Ms. Bress,  
6 this is Bryan Fitzgerald. There is no plan in  
7 place to wash the panels currently. In our  
8 experience in the northeast region, at least,  
9 panel washing is not necessarily needed with the  
10 frequent amounts of rainfall, so there is no plan  
11 in place to wash the panels. And again, in our  
12 experience, there has not been an increase in heat  
13 created as a result of the project, so there has  
14 never been a need to irrigate surrounding  
15 properties or even the property directly beneath  
16 the project that a project was cited on.

17 MS. BRESS: Okay. Great. Thank you so  
18 much.

19 Okay. So now I have some questions  
20 about the site again in terms of access to the  
21 site. Will access to the site, the project site,  
22 on a small, on a residential road like River  
23 Street create any increased risk for traffic  
24 hazards or for residents, traffic load during  
25 increased trucks and construction traffic, vehicle

1 traffic?

2 THE WITNESS (Fitzgerald): Ms. Bress,  
3 this is Bryan Fitzgerald. So during construction  
4 we would anticipate an increase in traffic during  
5 that period and that period alone, and that would  
6 likely be pickup trucks, heavy-duty pickup trucks,  
7 larger equipment used to move earth to create a  
8 stormwater basin, for example, and other  
9 deliveries of materials. So during construction  
10 we would anticipate an increase in traffic.

11 However, once construction is  
12 completed, the visits to the site, or the traffic  
13 to the site, I should say, decreases significantly  
14 for only light-duty pickup trucks for routine  
15 maintenance, access by the sheep grazer, again,  
16 typically light-duty pickup trucks, maybe a  
17 livestock trailer attached. And those visits,  
18 again, are far less frequent than during the  
19 construction period, possibly similar, during the  
20 operations period possibly similar to what is  
21 experienced today with, you know, agricultural  
22 vehicles entering River Street, entering the  
23 parcel from River Street, for example, but that's  
24 what we'd anticipate during operations after  
25 construction.

1 MS. BRESS: So would you anticipate  
2 then a need for police services or traffic  
3 services assistance during the construction phase  
4 of the project?

5 THE WITNESS (Fitzgerald): Ms. Bress,  
6 this is Bryan Fitzgerald. Based on our  
7 experience, we wouldn't necessarily anticipate the  
8 need for traffic services during construction. I  
9 would caveat that by saying sometimes during the  
10 interconnection process, for example, when we're  
11 building the interconnecting infrastructure or  
12 setting the poles that need to be added off of  
13 River Street, the contractors will bring in either  
14 a flag man or a local police officer to run  
15 traffic. That is sometimes needed, sometimes not  
16 needed, but we wouldn't anticipate needing traffic  
17 services for routine access and deliveries during  
18 construction.

19 MS. BRESS: Okay. So there would be no  
20 need, even though it's just a single lane each  
21 way, to divert traffic elsewhere or close down a  
22 road or anything like that?

23 THE WITNESS (Fitzgerald): That's  
24 correct. We would not anticipate needing to  
25 divert traffic or close a road.

1 MS. BRESS: Okay. And who determines  
2 and makes arrangements for whether or not a police  
3 officer is needed or a flag person or anything  
4 like that, does that happen automatically or does  
5 that have to be requested?

6 THE WITNESS (Fitzgerald): Ms. Bress,  
7 this is Bryan Fitzgerald. In the past, it has  
8 happened through the Eversource scope of work.  
9 The interconnection and the interconnecting  
10 infrastructure, again, is handled by Eversource,  
11 and we pay them to do it. So sometimes that is  
12 included in their services. So I guess in that  
13 scenario it would be as they have determined it to  
14 be necessary.

15 MS. BRESS: Okay.

16 THE WITNESS (Fitzgerald): It is how we  
17 have done it in the past.

18 MS. BRESS: Okay. Thank you. So I  
19 have now just a couple of questions about the  
20 southern part of the layout and then I'll move on  
21 to the acoustical study. I think you said, did  
22 you say at the last hearing I think according to  
23 what I'm seeing that the southern part of the  
24 layout is being kept clear of panels for some type  
25 of farming. Is that correct?



1 THE WITNESS (Fitzgerald): Ms. Bress,  
2 this is Bryan Fitzgerald. That is correct.

3 MS. BRESS: And I can see you guys, so  
4 I don't know if you have to keep saying your name,  
5 but that's up to you. What type of farming would  
6 be being done there and how many months of the  
7 year do you think that field will be in use?

8 THE WITNESS (Fitzgerald): Ms. Bress,  
9 this is Bryan Fitzgerald. And I'll say my name  
10 just because I think it's helpful for the court  
11 reporter because we're all in the --

12 MS. BRESS: That's right.

13 THE WITNESS (Fitzgerald): But the  
14 parcel, the southern part of the parcel that  
15 you're seeing as open farm field would be used to  
16 grow feed hay. The current property owner has  
17 livestock on property that need that feed hay as  
18 well as additional commitments to other family  
19 members with livestock where that feed hay is  
20 going to come from.

21 So effectively that land is going to be  
22 used to grow feed hay. I would anticipate that  
23 it's grown on the typical, you know, hay schedule  
24 here in Connecticut. We're seeing, you know,  
25 growth start, you know, right now we're at the

1 beginning of April and go through October, for  
2 example, so I would say it would line up with the  
3 standard hay growing season in Connecticut as far  
4 as its life or its use.

5 MS. BRESS: Okay. So is there anything  
6 in the project contract that requires the owner to  
7 maintain that livestock or work those fields each  
8 year during the entire 20-year life of the  
9 project?

10 THE WITNESS (Fitzgerald): Ms. Bress,  
11 this is Bryan Fitzgerald. So nothing within any  
12 contract we have with the property owner. That is  
13 simply just a land lease agreement for the  
14 proposed project.

15 MS. BRESS: Okay. So if additional  
16 panels in the north were relocated to that  
17 southern section that's not currently being used  
18 for panels, could the farming for the livestock  
19 take place in the northern section of the  
20 property?

21 THE WITNESS (Fitzgerald): Ms. Bress,  
22 this is Bryan Fitzgerald. I guess, to answer that  
23 question directly, it could. However, there are  
24 other features to the south like a wetland  
25 corridor that Mr. Kochis has mentioned that we are

1 staying well beyond the setbacks for and a stream  
2 that feeds a pond there that we can all see on  
3 that Figure 5 as well. So we wouldn't -- it  
4 wouldn't be a one-for-one exchange of land, for  
5 example, which is why the design is in its current  
6 configuration. We're trying to give more than  
7 adequate setback from that wetland corridor that  
8 you see originating in the northeast extent of the  
9 parcel traveling to that pond and then extending  
10 off site.

11 MS. BRESS: Okay. But if I understood  
12 the other gentleman's report correctly, he said  
13 that the drainage setup is done specifically, it  
14 doesn't have any materials to worry about and is  
15 done specifically, everything is draining to that  
16 one area. So that answer is confusing a little  
17 bit because, if everything is draining in the  
18 diagram to that area, I just wondered why that  
19 area could not be used for panels.

20 THE WITNESS (Fitzgerald): Ms. Bress,  
21 this is Bryan Fitzgerald. So I think we're just  
22 simply confusing drainage with the wetland habitat  
23 and us not desiring to get any closer to it, and  
24 that could be as simple as it is. Because as the  
25 project stands today, we're beyond any type of

1 setback required by the state or local setback  
2 from that wetland corridor. So we're not desiring  
3 to get any closer to it.

4 We're also leaving space to put in that  
5 temporary sediment trap because, again, to  
6 Mr. Kochis's point, the project is not changing  
7 the drainage on the property. So we're trying to  
8 efficiently use the land to drain properly, meet  
9 the requirements of the DEEP permit, and meet the  
10 setback requirements for the wetland habitats as  
11 required by the Siting Council and the local --

12 MS. BRESS: Okay. So am I  
13 understanding correctly --

14 THE WITNESS (Parsons): Ms. Bress,  
15 sorry, this is Brad Parsons. I'd just like to add  
16 to the point. There's a few barns on the parcel  
17 as well in the south. And we're only going to be  
18 able to get so close to that as well. And so by  
19 maintaining and staying to the north there, we're  
20 giving that farmer the access to his barns that he  
21 has the ability to get to. And I believe Bryan  
22 has had conversations with him. You know, in the  
23 sense of our land lease, he's kind of only given  
24 us the area that we're in right now.

25 MS. BRESS: I appreciate that and

1 figured that. And I guess my question was more  
2 geared to, it was geared to the fact that was  
3 there something that prevented that? And I do  
4 understand the farmer's desire, but I also would  
5 say that in the north, those people in that area,  
6 it would be less of a visual impact to the  
7 surrounding properties. So I do get your point,  
8 but I'm just trying to make mine which is asking  
9 the question if that is possible. And I just want  
10 to make sure I heard correctly that the answer  
11 from Mr. Fitzgerald is that it's not possible  
12 because it would directly impact the wetlands; is  
13 that correct?

14 THE WITNESS (Fitzgerald): Ms. Bress,  
15 this is Bryan Fitzgerald. That's not what I was  
16 stating. We're not -- we never plan to have or  
17 want to have any direct impact to wetlands from a  
18 project like this, so that's not what I was  
19 getting at.

20 I would also add that per the SCEF  
21 program we could have designed the project about  
22 60 percent larger than it is and been able to bid  
23 that project into the program at 5 megawatts.  
24 This is nearly 3. So we could have used that  
25 southern acreage and built a larger project, but

1 we didn't, and we didn't from the start. And that  
2 was based on a collaboration with the landowner to  
3 maximize a certain number of acreage that he  
4 needed to grow to support his livestock operation  
5 while building a reasonable sized project for the  
6 parcel size.

7 MS. BRESS: I understand that. Thank  
8 you. So my next question about the layout or my  
9 last question about the layout is can a higher  
10 watt panel be used to reduce the footprint of this  
11 installation even further without touching the  
12 farmland and still produce the same megawatts you  
13 have as a target?

14 THE WITNESS (Parsons): Ms. Bress, this  
15 is Brad Parsons. The size of the panel wattage in  
16 this case for this project, by increasing the  
17 size, the physical size of the panel also gets  
18 larger. So it adjusts the layout and changes  
19 that, but it wouldn't -- while it would change the  
20 DC size, it would not change our AC size. So  
21 ultimately it just changes the production that  
22 we're able to get on site. And so as far as the  
23 overall impact, it wouldn't change the layout  
24 significantly enough here to make a major change  
25 for us.

1 MS. BRESS: Would it make a significant  
2 change for the surrounding community, would there  
3 be less panels and less coverage of area if a  
4 higher watt panel was used?

5 THE WITNESS (Parsons): I think my  
6 answer to that still is no it would be around the  
7 same amount of coverage and acreage. The fence  
8 line itself would not change. The size of the  
9 panel would adjust and the layout inside that  
10 fence line would change. However, it would not,  
11 the size of the panel itself going to, say, a 660  
12 watt panel, that panel is probably significantly  
13 larger than the panel that we're proposing right  
14 now from a physical size standpoint. So just  
15 changing the wattage of a panel doesn't  
16 necessarily allow you in a situation here where we  
17 are what I would call space constrained to still  
18 meet what we're trying to for the SCEF program and  
19 the size project that we bid into it, by changing  
20 the panel size would not change the physical  
21 layout and allow us to reduce any setbacks to any  
22 properties.

23 MS. BRESS: Okay. That was my  
24 question. Thank you. It was would it impact the  
25 distance from the nearby homes. Thank you. And

1 you're saying that it would not?

2 THE WITNESS (Parsons): This is Brad.  
3 That's correct.

4 MS. BRESS: Thank you for that answer.  
5 Okay. I have a couple of questions about the  
6 acoustical study. I just had to ask if the  
7 company that you engaged to do this acoustical  
8 study is the same one that was used for East  
9 Windsor Solar One.

10 THE WITNESS (Fitzgerald): Ms. Bress,  
11 this is Bryan Fitzgerald. The company who did  
12 this acoustical study is not the same company who  
13 did it for East Windsor Solar One.

14 MS. BRESS: Thank you. Will the  
15 inverters have fans for cooling; and if so, where  
16 will they be located and what direction will they  
17 be pointed, will they be facing any residences?

18 THE WITNESS (Parsons): Ms. Bress, this  
19 is Brad Parsons. The inverter, the fans that are  
20 associated with the inverter are included inside  
21 the inverter themselves. So just like any type of  
22 laptop or any type of equipment that you would  
23 have, it's an internal fan to the inverter itself.  
24 Those fans will be on the back side of the  
25 inverters. Those inverters are, in some cases the



1 front side will face the residences. In some  
2 cases on the other side of that the back side will  
3 face some of the residences as well. So they will  
4 point in both directions both east and west based  
5 on the current configuration that we have right  
6 now.

7 MS. BRESS: Okay. Thank you. I was  
8 asking in relation to noise, so thank you for that  
9 answer. So some will be facing and some won't.  
10 Okay. Go ahead.

11 THE WITNESS (Parsons): I guess in  
12 regards to noise though, and maybe I'll let you  
13 continue with your questions in regards to noise.

14 MS. BRESS: Okay. There's just two.  
15 So my question was, could the inverters be  
16 enclosed inside a three-sided structure that's  
17 created with sound absorbing material and no top  
18 and an open side facing Amazon to reduce the noise  
19 they emit? That was my question.

20 THE WITNESS (Parsons): This is Brad  
21 Parsons. I think I would say in this case the  
22 noise study has been done to show that -- and we  
23 can talk more about that, but there is no increase  
24 in noise based off of the analysis that was  
25 produced --

1 MS. BRESS: Okay.

2 THE WITNESS (Parsons): -- that would  
3 require any further noise mitigation such as  
4 you're suggesting.

5 MS. BRESS: Right. Okay. And I know  
6 noise studies are usually done on all projects, is  
7 that correct? Is it done only when residences are  
8 nearby or are noise studies typically done or  
9 acoustical studies done on every project that  
10 Windsor Solar One has taken on?

11 THE WITNESS (Parsons): Ms. Bress, this  
12 is Brad Parsons. I think in this case we've done  
13 the noise study here for Windsor Solar One.

14 MS. BRESS: Okay. So two more noise  
15 questions and then I'm done with noise. Has the  
16 noise level from all parts of the facility been  
17 tested for levels when they operate  
18 simultaneously? I think they were, but I can't  
19 remember what was that result.

20 THE WITNESS (Parsons): Ms. Bress, this  
21 is Brad Parsons. I'll let our noise expert who's  
22 on the phone take that question.

23 MS. BRESS: Okay. Thanks.

24 THE WITNESS (Bajdek): This is Chris  
25 Bajdek with VHB, director of noise operation

1 services. I was primarily responsible for the  
2 sound study report. Do I need to be sworn in at  
3 this point? I mean, I was not at the beginning of  
4 the meeting.

5 MR. HOFFMAN: But you were sworn in at  
6 the last meeting so --

7 THE WITNESS (Bajdek): Okay.

8 MR. MORISSETTE: Yes, you're fine to  
9 go. Thank you.

10 THE WITNESS (Bajdek): Okay. Yes. The  
11 sound modeling that was performed in the sound  
12 study and documented therein did assume the full  
13 operational scenario. Actually, we looked at it  
14 in two different ways: We looked at it first in  
15 terms of just the inverters and the transformers  
16 on the equipment pad and what the sound impact  
17 would be from those pieces of equipment. And we  
18 looked at the sound levels to the north at the  
19 closest residential receptors. We also looked to  
20 the west and to the south. And we also  
21 considered, did some calculations and predicted  
22 sound levels along the east property line, the  
23 east property line being the property line closest  
24 to the equipment pad. And we demonstrated that  
25 sound levels from the operation of the inverters

1 and transformers are well below the limits  
2 established by the department, by CT DEEP.

3 And we also then considered the  
4 additional noise from the tracking motors and, you  
5 know, when they're turning the panels attract the  
6 sun. And those tracking motors, there are -- I'm  
7 just checking the number here -- 110 tracking  
8 motors distributed throughout the entire farm, and  
9 adding the sound contribution from those tracking  
10 motors increased sound levels but only by a  
11 minimal amount. And even with the tracking motors  
12 in operation and engaged for a brief period of  
13 time -- I don't know the exact period of time it  
14 takes to turn the panels -- but for that time,  
15 assuming that all the motors are operating at the  
16 same time, it was a minimal increase in  
17 operational noise and sound levels were still well  
18 below the CT DEEP limits for the residential  
19 properties to the north, west and south, as well  
20 as the limit along the east property line that  
21 abuts the Amazon property.

22 MS. BRESS: Thank you. You kind of  
23 answered my next question, but I'm going to make  
24 sure I ask it anyway. Do you know how many hours  
25 a day will the motors, inverters and other sound

1 producing equipment be running simultaneously?

2 THE WITNESS (Parsons): Ms. Bress, this  
3 is Brad Parsons. I'll take that question there.  
4 As far as the transformers and the inverters,  
5 those will be running simultaneously from the  
6 point at which the facility starts producing  
7 energy and then to the point at which it stops, so  
8 basically inside those daylight hours there.

9 MS. BRESS: Okay.

10 THE WITNESS (Parsons): And then as far  
11 as the tracker motors themselves, they are  
12 normally moving on a more slow, very slow  
13 continuous basis throughout the day and night to  
14 the point at the end of the day where they then go  
15 back to basically a stow position or zero. And  
16 that's where they'll end up starting off in the  
17 morning as well basically due to the fact that the  
18 lower morning sun you want that panel to be almost  
19 flat to catch that, and it will start to turn as  
20 that sun goes up more during the day so that way  
21 the panels aren't shading themselves.

22 MS. BRESS: Thank you. And so is  
23 the -- when the sound calculations are done, is it  
24 calculated in terms of distance to nearest  
25 residences? Because I know it's within DEEP

1 levels, and I've heard that said twice, but is  
2 that calculated in terms to different distances or  
3 is there a standard distance that it's calculated  
4 from because sound travels.

5 THE WITNESS (Bajdek): This is Chris  
6 Bajdek with VHB. The sound study report provides  
7 tabulated sound levels for which we calculated  
8 operational sound from the inverters and  
9 transformers at discrete points in the community.  
10 So we selected representative sites residential in  
11 nature to the north, west and south. We also  
12 selected for discrete calculations three points  
13 along the property lines at the north, west and  
14 east. And so those sound levels tabulated in the  
15 report in Table 5 presents the results of the  
16 sound model with just the inverters and  
17 transformers in operation, and Table 6 provides  
18 the same calculations at those same discrete  
19 points with the tracking motor as well as the  
20 inverters and transformers in operation.

21 MS. BRESS: Thank you.

22 THE WITNESS (Bajdek): And then the  
23 sound study report also provides noise contours  
24 sound levels as a graphical image in Figure 2 for  
25 the inverters and transformers, and in Figure 3

1 for the tracking motor, inverters and  
2 transformers.

3 MS. BRESS: Thank you. So then my last  
4 question about sound was something that I didn't  
5 see in the sound report and that -- or maybe I  
6 missed it. I apologize if I did. Would the  
7 project during construction or at any other time  
8 create any ground borne vibration or ground borne  
9 noise levels during the project, you know, rolling  
10 of trucks, et cetera?

11 THE WITNESS (Parsons): Ms. Bress, this  
12 is Brad Parsons. Yes, the project would have  
13 construction level noise as part of the project.  
14 That would be vibratory rollers to construct the  
15 access road. There would also be vibratory  
16 hammers to drive the posts into the ground during  
17 the construction period.

18 MS. BRESS: Thank you. And I was just  
19 curious whether, I guess the community would not  
20 be informed as to when that might happen, but they  
21 may somehow know about when the construction  
22 period will take place, is there signs or  
23 something?

24 THE WITNESS (Parsons): Ms. Bress, this  
25 is Brad Parsons. We would be more than willing to

1 continue to notify residents throughout the  
2 process of our potential construction and when  
3 things may or may not be happening to the best of  
4 our abilities.

5 MS. BRESS: Thank you. That is so  
6 appreciated. I have to ask Ms. Bachman if I have  
7 a time limit because I have just some questions on  
8 air quality and then on the DEEP assessment. And  
9 I don't want to run out of time. I could -- so  
10 Ms. Bachman, is there a time limit on the  
11 questions here?

12 MR. MORISSETTE: There is no time  
13 limit, but you can continue.

14 MS. BRESS: Thank you. I'm sorry, Mr.  
15 Chairman. I don't know who to ask. Really I'm a  
16 novice here, but thank you, Mr. Chairman. There's  
17 no time limit, okay. I don't want to take up too  
18 much time, but these are questions that are of  
19 concern to not just me but the other neighbors in  
20 the community. I want to make sure I get them in.

21 Okay. So thank you so far for all the  
22 answers to the questions. I'm going to move on to  
23 air quality questions during the project. And  
24 again, if there's any questions here I shouldn't  
25 be asking, please let me know.



1                   During ongoing construction which could  
2 take place in spring, summer and fall when  
3 residents might want to open their windows, will  
4 the environmental impact of soil disturbance or  
5 vehicular activity and resulting construction dust  
6 be mitigated to reduce the impact or possible  
7 impact on people in the surrounding community?

8                   THE WITNESS (Kochis): I'll take that  
9 one. This is Steve Kochis. So yes, part of the  
10 CT DEEP Stormwater General Permit and its  
11 protections during construction are regarding dust  
12 control. So the idea is the petitioner here today  
13 wouldn't be able to tell you the exact method  
14 because it's going to be determined by the  
15 contractor that's building it, but that would  
16 involve the use of a water truck and/or calcium  
17 chloride to contain dust during the dryer portions  
18 of the year if it's constructed during those.

19                   MS. BRESS: Perfect. And you just led  
20 me to my next question which I so appreciate. So  
21 will air quality be tested during that time, would  
22 it be tested, and, like, what are the best  
23 practices for testing construction dust or  
24 mitigation of that dust, in your opinion?

25                   THE WITNESS (Kochis): This is Steve

1 Kochis again. There is no requirement or metric  
2 right now with the Stormwater General Permit or  
3 any other permits that this project will need to  
4 obtain to be constructed to test air quality  
5 during construction.

6 MS. BRESS: Okay. And are you aware of  
7 any best practices that are used to mitigate dust  
8 during, you know, construction?

9 THE WITNESS (Kochis): This is Steve  
10 Kochis again. Yes, as I've listed before, the  
11 common practices would be the use of a water truck  
12 and/or the installation of calcium chloride. It  
13 could also in theory be that construction during  
14 those times over disturbed earth is minimized as  
15 well. But again, those final decisions will have  
16 to be made by the EPC that constructs the project.

17 MS. BRESS: Thank you. And that leads  
18 me to my final question on that aspect which is  
19 are you willing or is the company willing to list  
20 those practices as required in the contracts and  
21 construction plans of the companies working on  
22 this project?

23 THE WITNESS (Parsons): Ms. Bress, this  
24 is Brad Parsons. And Steve can correct me if I'm  
25 wrong, but those should already be included in the

1 plans and our SWPP that will be submitted to CT  
2 DEEP.

3 MS. BRESS: I didn't see that, so  
4 that's why I'm asking the question. I'm sorry.

5 THE WITNESS (Kochis): This is Steve  
6 Kochis. I will say I do believe it's in the SWPP  
7 document that's been put into CT DEEP for review  
8 of the Stormwater General Permit. If it's not,  
9 it's something we can amend once Verogy engages an  
10 EPC to construct the project.

11 MS. BRESS: Thank you. Because even if  
12 it goes to DEEP, my concern was that it won't go  
13 into the contract. My husband is a former  
14 contractor for the US Postal Service, and I was  
15 afraid that it wouldn't go into the contract or  
16 construction plans of the actual company that  
17 you're engaging and therefore perhaps may not be  
18 followed. So that was my question, will it be  
19 able to go into the contracts that are made with  
20 the workers so that those best practices are  
21 followed?

22 THE WITNESS (Kochis): Ms. Bress, this  
23 is Steve Kochis. I'd like to correct myself for  
24 the record. We have not filed our Stormwater  
25 General Permit application yet.

1 MS. BRESS: Okay. So what does that  
2 mean, Steve?

3 THE WITNESS (Kochis): We have not made  
4 our application to CT DEEP for our Stormwater  
5 General Permit yet. So it's technically feasible  
6 that an EPC could be engaged as part of the team  
7 and/or that list of dust control elements be  
8 implemented into the stormwater pollution  
9 prevention plan.

10 MS. BRESS: That would be greatly  
11 appreciated. Thank you so much for that  
12 information and your honesty. Okay. So my next  
13 question then would be who is responsible for the  
14 overseeing that best practices and contracts and  
15 construction plans are followed, are there  
16 periodic reviews or inspections to ensure  
17 compliance of health and safety practices on the  
18 job site, and who does that?

19 THE WITNESS (Kochis): This is Steve  
20 Kochis, project engineer. I would say I can  
21 answer in a couple ways. The first layer of  
22 defense is the EPC and any site contractor that's  
23 on the site. They have an obligation as part of  
24 the Stormwater General Permit that they have read  
25 and understood the Stormwater Pollution Prevention

1 Plan and that they are adherent to all of the  
2 state stormwater and erosion control standards.  
3 So it starts with the site contractor.

4 That said, as part of the Stormwater  
5 General Permit there is also an obligation for the  
6 project engineer, that would be VHB, to perform  
7 regular plan implementation inspections and  
8 reports to the CT DEEP. There will also be a  
9 weekly erosion control inspector. And  
10 furthermore, the conservation district will also  
11 be engaged to perform regular inspections and  
12 reports as a liaison to CT DEEP.

13 There are, also going back to the first  
14 point, there are metrics in the site plans which  
15 hold the contractor responsible to prevent dust,  
16 sediment and debris from exiting the site and  
17 being responsible for any cleanup, repairs and  
18 corrective actions.

19 MS. BRESS: So are any of the  
20 inspections -- it sounds great -- that you  
21 mentioned done by an independent third party --

22 THE WITNESS (Kochis): This is Steve  
23 Kochis --

24 MS. BRESS: -- like the town or, you  
25 know, some other entity?

1 THE WITNESS (Kochis): The list of  
2 inspectors that would be visiting the site would  
3 be the engineer of record performing planned  
4 implementation inspections, a qualified erosion  
5 control inspector, which would be a third-party  
6 person not affiliated with the ownership or the  
7 construction of the property at the discretion of  
8 the petitioner, and I would add that that  
9 qualified inspector needs to be someone approved  
10 by CT DEEP as well because that's also a  
11 requirement. The third inspector would be  
12 optionally the conservation district acting  
13 directly on behalf of CT DEEP as well. Those  
14 would be the three entities that would have  
15 requirements to inspect the site for making sure  
16 that they are holding to the Stormwater Pollution  
17 Prevention Plan for water quality and air quality.

18 MS. BRESS: Okay. And so you would say  
19 that you're considering that some of those would  
20 be considered independent third-party inspections?

21 THE WITNESS (Kochis): This is Steve  
22 Kochis. I would consider the engineer of record  
23 to be a third-party to the contractor, and I would  
24 consider the weekly inspector to be a third party  
25 as well.

1 MS. BRESS: Thank you. Thank you very  
2 much. Okay. So I had some questions about the  
3 process now. So I did have some questions about  
4 decommissioning, but I think I'll wait on that. I  
5 had some questions about, if I understand  
6 correctly, this project will be owned by  
7 Eversource; is that correct?

8 THE WITNESS (Fitzgerald): Ms. Bress,  
9 this is Bryan Fitzgerald. The project is not  
10 owned by Eversource. The project is currently  
11 owned by Windsor Solar One, LLC which is a  
12 subsidiary of Verogy.

13 MS. BRESS: Okay.

14 THE WITNESS (Fitzgerald): The project  
15 has a contract to sell electricity to Eversource.

16 MS. BRESS: Thank you. That's what I  
17 needed clarification on. Thank you so much. So  
18 if that is the case, then can it be resold, this  
19 project be resold by Verogy to another company?

20 THE WITNESS (Fitzgerald): Ms. Bress,  
21 this is Bryan Fitzgerald. It could be sold by  
22 Verogy to another company.

23 MS. BRESS: Okay. How soon  
24 contractually could it be sold?

25 THE WITNESS (Fitzgerald): Ms. Bress,

1 this is Bryan Fitzgerald. It could be sold  
2 contractually as soon as six to eight months  
3 potentially.

4 MS. BRESS: Okay. Thank you. So if  
5 sold, I had a quick question about the  
6 electricity, will the electricity generated still  
7 be used locally?

8 THE WITNESS (Fitzgerald): Ms. Bress,  
9 this is Bryan Fitzgerald. So the electricity,  
10 under the obligations of the contract with  
11 Eversource, the electricity and the renewable  
12 energy certificates have to be delivered to  
13 Eversource for a 20-year period from the date at  
14 which it is placed in service. So that's the  
15 obligation under the contract.

16 MS. BRESS: But Eversource then has the  
17 option to distribute the electricity wherever they  
18 want, it doesn't necessarily go locally or in  
19 Connecticut or anywhere like that, or it can?

20 THE WITNESS (Fitzgerald): Ms. Bress,  
21 this is Bryan Fitzgerald. My understanding of  
22 once those electrons flow to the grid they would  
23 be distributed where needed. Keep in mind, I'm  
24 not an electrical engineer, but there is a  
25 monetary credit associated with every kilowatt



1 hour of electricity that the project produces, and  
2 that monetary credit is worth two and a half cents  
3 per kilowatt hour. And under the SCEF program  
4 rules and part of the tariff contract agreement  
5 with Eversource, Eversource has to allocate that  
6 monetary credit to participating customers in the  
7 SCEF program.

8 MS. BRESS: Okay. So back to the  
9 selling, possible selling of the project within  
10 six or eight months, I have a question. If  
11 abutters or community residents have problems with  
12 sound, drainage, et cetera during construction or  
13 after the project is completed or sold, who do  
14 they contact and how would they contact them?

15 ATTORNEY HOFFMAN: Mr. Morissette, I'm  
16 going to object to that question. That's three  
17 hypotheticals in one. The project hasn't been  
18 sold. There haven't been problems, et cetera, et  
19 cetera, et cetera.

20 MS. BRESS: This company though has had  
21 projects sold with problems. So that's why I'm  
22 asking the question. And that isn't a question,  
23 but I have to respond.

24 MR. MORISSETTE: Ms. Bress, maybe if  
25 you could rephrase your question --

1 MS. BRESS: Okay.

2 MR. MORISSETTE: -- in light of what  
3 happens when the project is sold and the  
4 contractual entities associated with it.

5 MS. BRESS: Thank you. Thank you so  
6 much.

7 What happens if the project is sold,  
8 how would citizens contact the entities that now  
9 own the project if they were to have any need?

10 THE WITNESS (Fitzgerald): Ms. Bress,  
11 this is Bryan Fitzgerald. In this typical process  
12 if this project were to be sold, Verogy acts as  
13 the construction contractor and in some cases the  
14 asset management -- I'm sorry, the operations and  
15 maintenance provider. So in a hypothetical  
16 situation where the project is sold, Verogy could  
17 still be involved and residents could reach out to  
18 Verogy. We have a website established for this  
19 project which we've already informed residents of  
20 and which we've done for ten or so other projects  
21 that have served as a line of communication  
22 directly to Verogy at which point we have handled  
23 situations like that through that website. Our  
24 contact information is readily available in this  
25 docket, our email addresses, our personal cell

1 phone numbers, for example, so it is readily  
2 available. We can be reached and help address and  
3 remedy any hypothetical concerns that may arise.

4 MS. BRESS: Okay. So you said "could."

5 THE WITNESS (Parsons): Ms. Bress, this  
6 is Brad Parsons. I think I'd like to further add  
7 that should this project also receive an approval  
8 from the Connecticut Siting Council at any time  
9 should it be sold, we have the obligation as well  
10 as the owner to, I believe, notify the Siting  
11 Council of said change and who is responsible for  
12 receiving notifications.

13 Attorney Hoffman, I don't know if you  
14 can clarify or correct me if I'm incorrect in that  
15 statement.

16 ATTORNEY HOFFMAN: I believe  
17 Mr. Cerkanowicz can.

18 THE WITNESS (Cerkanowicz): Yes, that  
19 is correct. If the project is sold, it must be  
20 done with the approval of the Siting Council and  
21 that the contact information of the new owner  
22 would be provided in the petition regardless of  
23 when that is sold.

24 MS. BRESS: Okay. So I understand and  
25 heard that we could contact Verogy if they still

1 were involved in the project. And if they were  
2 not in the project, are you saying that there  
3 would be access to the company that now owns the  
4 project through the Siting Council, through  
5 information received through the Siting Council?

6 THE WITNESS (Cerkanowicz): This is  
7 James Cerkanowicz. That is correct.

8 MS. BRESS: Thank you so much. Okay.  
9 So then I had just a couple more questions in this  
10 line and then I'm going to move on to the DEEP  
11 thing. So, has the company secured all of the  
12 necessary insurance policies to cover any acts of  
13 nature or fires that might be associated with this  
14 installation? That was a question.

15 THE WITNESS (Fitzgerald): Ms. Bress,  
16 this is Bryan Fitzgerald. If the project were to  
17 move forward and begin construction, the company  
18 would secure all necessary insurance policies  
19 before that would happen.

20 MS. BRESS: Thank you. And do those  
21 insurance policies cover any possible impact --  
22 does the insurance policy cover just the project  
23 site, just the project site itself?

24 THE WITNESS (Fitzgerald): Ms. Bress  
25 this is Bryan Fitzgerald. The insurance that is

1 carried for the project would cover standard  
2 claims should they be filed similar to that of a  
3 homeowners insurance policy if something were to  
4 happen.

5 MS. BRESS: So for the site itself, any  
6 fire or anything like that would be covered for  
7 the site itself, correct?

8 THE WITNESS (Fitzgerald): Yes.

9 MS. BRESS: Thank you. That's what I  
10 need to know. Okay. And then I read about  
11 something called a mitigation, monitoring and  
12 reporting program that includes all measures to  
13 mitigate or avoid adverse impacts on neighborhood  
14 residents and the environment. Does this project  
15 have any such a report?

16 THE WITNESS (Fitzgerald): Ms. Bress,  
17 this is Bryan Fitzgerald. We have addressed the  
18 air quality and environmental compatibility  
19 standard of the project and those that need to be  
20 met for the petition for the project. I guess I'm  
21 just kind of looking for more in that question if  
22 there's a specific question.

23 MS. BRESS: Yeah, there is. I'm asking  
24 as an abutter and as a member of the community if  
25 there is a document that they might be able to go

1 to like a mitigation, monitoring and reporting  
2 program that shows the concerns that were stated  
3 and brought up by reports and then the mitigation  
4 efforts of the company and what they have already  
5 agreed to do. Because I think it's very difficult  
6 as a citizen to look at all the individual reports  
7 and look at all the individual proposals that have  
8 been made to mitigate things and be able to bring  
9 that all together in a document that would allow  
10 residents to be able to follow it and/or be  
11 assured that those things were taking place that  
12 have been promised.

13 THE WITNESS (Fitzgerald): Ms. Bress,  
14 this is Bryan Fitzgerald. I guess I'd refer to  
15 the petition itself as the sole source in the  
16 docket of this very petition where Windsor Solar  
17 One has presented its petition, interested parties  
18 have raised their concerns, and we're now in the  
19 process of addressing those. I guess as a direct  
20 answer, we could create an ultimate summary of the  
21 petition, the docket, the concerns that were  
22 raised and just be able to file that as a  
23 condition of approval potentially, just kind of  
24 thinking off the top of my head here. I guess why  
25 I'm saying that is because we're ongoing

1 currently, and we haven't, you know, we're  
2 addressing concerns that are being raised as we  
3 go.

4 MS. BRESS: I would request that, and I  
5 would have an example for you if you were  
6 interested because I think it would be helpful to  
7 those in the community that do have some questions  
8 about this and it might also help them. Thank you  
9 for that answer. So you would be willing to  
10 create such a report that would indicate the  
11 questions or the things that were brought up of  
12 concern and how they are being addressed. I  
13 appreciate that.

14 So my last question in this section,  
15 and then I'm going to the DEEP thing, and then I'm  
16 going to be done, is who, if anyone -- and this is  
17 not -- I don't want this to seem confrontational.  
18 This is really just a factual question in terms of  
19 if anybody ends up with any issues being so close  
20 to the project. Who if anyone is subject to  
21 litigation if this project negatively impacts  
22 anyone in the community?

23 ATTORNEY HOFFMAN: I'm going to object  
24 to that question. It calls for a legal conclusion  
25 that nobody in this room is qualified to answer as

1 a witness.

2 MR. MORISSETTE: Yes, the objection is  
3 sustained.

4 Attorney Bachman, would you wish to  
5 comment on this as well?

6 ATTORNEY BACHMAN: I don't have any  
7 additional comments, Mr. Morissette. Thank you.

8 MR. MORISSETTE: Thank you.

9 MS. BRESS: Can I rephrase it in terms  
10 of what is the recourse that any individuals would  
11 have if they had questions or concerns regarding  
12 the project?

13 MR. MORISSETTE: I think that's the  
14 same result, but I'll ask Mr. Hoffman if he does  
15 not object to the question.

16 ATTORNEY HOFFMAN: I object to the  
17 question to the extent that she's asking for legal  
18 recourse. If she's asking for where people could  
19 go if they feel as though they've been harmed or  
20 injured, that's an answer that I think somebody on  
21 the witness panel could answer.

22 MS. BRESS: That's the question. Thank  
23 you.

24 MR. MORISSETTE: Very good.

25 THE WITNESS (Cerkowicz): This is



1 James Cerkanowicz. Once again, I would turn to  
2 the petition that has been submitted to the  
3 Council that does have the contact information for  
4 myself, Mr. Fitzgerald, Mr. Parsons, you know, to,  
5 if there are any questions regarding the  
6 development of this project that a resident has a  
7 concern over and needs to see addressed in some  
8 form. And again, there are other permits that we  
9 would have to seek in addition to this Council  
10 such as the DEEP permit and building and  
11 electrical permits from the town.

12 MS. BRESS: Okay. So it would  
13 definitely still be Verogy as long as they are the  
14 owners of the project?

15 THE WITNESS (Cerkanowicz): This is  
16 James Cerkanowicz. Yes, as long as we were on the  
17 project that we would be the points of contact.  
18 And if for some reason the project were sold, we  
19 would be responsible to advise who the replacing  
20 party would be at that point.

21 MS. BRESS: Okay. Thank you. Okay.  
22 So the last bunch of questions I have are  
23 regarding the DEEP report. Then there is one  
24 question that I wanted to ask which I'll ask now  
25 because I don't want to forget. There was

1 something -- I attended the public hearing and I  
2 heard a question raised by a citizen. And again,  
3 I don't know if this is allowed, but there was a  
4 citizen who asked a question regarding  
5 electromagnetic fields and her pacemaker. And I  
6 was wondering if anything has happened since then  
7 or there's any research or any information  
8 regarding whether or not her -- that could be  
9 impacted by proximity to the solar panels.

10 THE WITNESS (Fitzgerald): Ms. Bress,  
11 this is Bryan Fitzgerald. While there hasn't been  
12 a direct follow-up to that question, I believe  
13 that public comment period is strictly for comment  
14 only. However, we have done EMF or electric and  
15 magnetic field studies in the past where projects  
16 of similar size and larger than this one, and the  
17 conclusions in those reports were that there were  
18 not any electric or magnetic fields created by the  
19 project that are above and beyond those we may  
20 experience on a daily basis in our homes or place  
21 of business. The project is interconnecting at  
22 grid voltage, so it's serviced and interconnecting  
23 to the same three-phase circuit that services all  
24 of the homes on River Street.

25 MS. BRESS: Okay. Thank you for that

1 information. Okay. So anyway, there were some  
2 questions regarding the threatened and species,  
3 special species of concern report in the Natural  
4 Diversity Data Base on this project. And my  
5 biggest question, and I'm going to combine a few  
6 just to get a read on this, it said that field  
7 studies should be done by a qualified botanist or  
8 plant ecologist when the above target species are  
9 detectable and identifiable. So my question is,  
10 will you be using the Native Plant Trust as  
11 suggested in the report for hiring a qualified  
12 botanist?

13 THE WITNESS (Shamas): This is Jeff  
14 Shamas with VHB. We are planning to use qualified  
15 experts that the Connecticut DEEP NDDB program  
16 will accept. They may also be on the Native Plant  
17 Trust, and we do plan on looking on that list.  
18 But whoever, you know, the people that we use will  
19 be accepted prior to any of those surveys being  
20 completed.

21 MS. BRESS: Thank you. And in the  
22 report the safe time for tree clearing to avoid  
23 the kestrels nesting was expired on March 1st. So  
24 my question is, if the project moves forward, will  
25 you be doing any tree clearing during the nesting

1 season and will there be any tree clearing at all  
2 in the project anymore based on the new plan? I  
3 didn't see it, but I was curious.

4 THE WITNESS (Fitzgerald): Ms. Bress,  
5 this is Bryan Fitzgerald. And Jeff, I'll just  
6 address part of that and, if I miss it, please  
7 step in.

8 Ms. Bress, the tree clearing window to  
9 avoid the nesting season for the American Kestrels  
10 is October 1st to March 1st. So if we were,  
11 again, to comply with the letter, any tree removal  
12 would be done during those periods with the  
13 exception of if we did a survey first to confirm  
14 whether or not there are any American Kestrels  
15 present in the trees that were to be removed. And  
16 the planned tree removal for the project, as I  
17 believe Mr. Kochis alluded to in the first  
18 hearing, is still about on or about 10,000 square  
19 foot of tree removal to take place on the very  
20 eastern extent of the project area just north of  
21 where the transformer and inverter pads are  
22 located.

23 MS. BRESS: Okay. So if there's any  
24 discoveries there, my question would be could the  
25 project be delayed, and if nesting birds are found

1 or other things are found, how long could  
2 construction times or project times have to be  
3 extended?

4 THE WITNESS (Fitzgerald): Ms. Bress,  
5 this is Bryan Fitzgerald.

6 Steve, do you want to touch on that?

7 THE WITNESS (Kochis): Yeah. This is  
8 Steve Kochis. I'll hop in. So the question is  
9 tough to answer exactly. First and foremost, the  
10 petitioner will meet all of the NDDB CT DEEP  
11 Wildlife Division's requirements for the handling,  
12 protection and conservation of the kestrel. Your  
13 question, I think, is tough to answer because it  
14 depends what is found. So, you know, to Bryan,  
15 Mr. Fitzgerald's point, if nothing is found, then  
16 we would work with the wildlife division and be  
17 able to clear those trees. However, you could  
18 find any number of nests, for example, and the  
19 quantity and the location of those nests of the  
20 American Kestrel or any other protected species  
21 would influence potential construction delays  
22 and/or modifications to the project. But that  
23 could not possibly be known until it's  
24 encountered.

25 MS. BRESS: Thank you. So I'm assuming

1 that -- or I shouldn't assume. So will the same  
2 things be true for the Eastern Box Turtle as  
3 protected, listed as a species of protection in  
4 the DEEP report?

5 THE WITNESS (Kochis): This is Steve  
6 Kochis. And I would say to that we will meet the  
7 wildlife division's requirements for the survey  
8 and/or conservation of the box turtles prior to  
9 securing our final determination from the wildlife  
10 division and throughout construction.

11 MS. BRESS: Thank you. So I don't know  
12 if this -- I don't know if -- well, I'm not going  
13 to ask that question. So who is responsible for  
14 replacing trees and maintaining landscaping  
15 throughout the project and especially after the  
16 one-year guarantee on the landscaping mark has  
17 passed?

18 THE WITNESS (Fitzgerald): Ms. Bress,  
19 this is Bryan Fitzgerald. The owner of the  
20 project would be responsible for the care and  
21 replacement of any trees or plantings in the  
22 landscaping plan.

23 MS. BRESS: Okay. Even beyond the  
24 guarantee of one year for the plantings?

25 THE WITNESS (Fitzgerald): Ms. Bress,

1 that's correct. Even beyond the guarantee of one  
2 year, the owner of the project is going to be  
3 responsible for the care of those.

4 MS. BRESS: Okay. Thank you. Are you  
5 also responsible for maintaining the landscaping,  
6 not just the replacement of trees but maintaining  
7 it and, you know, the watering and all that stuff?

8 THE WITNESS (Fitzgerald): Ms. Bress,  
9 this is Bryan Fitzgerald. That's correct. The  
10 maintenance, the care, the watering, yes, so all  
11 fall within that operations and maintenance scope  
12 for the owner of the project, yes.

13 MS. BRESS: Okay. So as far as the  
14 trees, so I saw the plantings and a mixture of  
15 things. My question was on the growth rate of the  
16 evergreens. It seemed at their height I was just  
17 curious on how many years it would take for them  
18 to create a visual screen for the homes in the  
19 north and across the street.

20 ERIK BEDNAREK: This is Erik Bednarek.  
21 I'm with VHB. I could provide some insight, if  
22 that's okay.

23 MS. BRESS: Yes. Thank you.

24 ERIK BEDNAREK: Okay. Certainly. So  
25 the majority, as you mentioned, there's a

1 significant amount of evergreens and a mixture of  
2 deciduous trees in there as well. Just about all  
3 of these plants are moderate growth species. So  
4 they tend to take, you know, a couple, two, three  
5 years to really get rooted in. As you can see on  
6 the plant list, if you do have it in front of you,  
7 the plant species are at 6 to 7 foot heights or 5  
8 to 6 foot mixture. There are some caliper trees  
9 in there as well.

10           Once they get rooted in after two to  
11 three years, they start to put on anywhere from 6  
12 to 12 inches of growth per year, in some cases a  
13 little bit more. It's hard to tell depending on  
14 the type of spring season or the summer growing  
15 season on how much rain and nutrients are  
16 available to the trees. So it varies a little  
17 bit.

18           And then is your question on how long  
19 will they grow a certain height?

20           MS. BRESS: No, it was more about the  
21 height of the trees and whether the height of the  
22 trees could be taller to provide a screening, a  
23 natural screening sooner than later. That was  
24 really the question, if the height of the trees  
25 could be increased to provide a screening possibly



1 sooner than several years later.

2           ERIK BEDNAREK: I'll let somebody else  
3 answer that, if they'd like to.

4           ATTORNEY HOFFMAN: Before we answer  
5 that question, Mr. Morissette, just a point of  
6 order. Mr. Bednarek was not a witness during the  
7 first hearing so he was not sworn in. He is a  
8 replacement for our landscape architect. What I  
9 would ask is that Ms. Bachman swear him in and  
10 then just have him affirm that what he just said  
11 he said under oath.

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

14           Attorney Bachman, could you please  
15 swear in the new witness.

16           ATTORNEY BACHMAN: Certainly, Mr.  
17 Morissette. If we could just get his resume and  
18 the spelling of his name, Attorney Hoffman, as the  
19 substitute because I don't believe we have that  
20 information.

21           ATTORNEY HOFFMAN: If he could just  
22 state his qualifications and spell his name. We  
23 can put the resume in retroactively, but he is a  
24 landscape architect. And for purposes of  
25 answering Ms. Bress's questions, I think he's

1 sufficient.

2 ATTORNEY BACHMAN: Thank you.

3 ERIK BEDNAREK: I can state that  
4 information if you'd like right now.

5 ATTORNEY HOFFMAN: Please. And thank  
6 you, sir.

7 ERIK BEDNAREK: Sure. Erik Bednarek.  
8 E-r-i-k, B-e-d-n-a-r-e-k. I've been a  
9 professional landscape architect for 28 years and  
10 registered throughout New England. And I've been  
11 involved with quite a few of these projects.

12 ATTORNEY HOFFMAN: And who's your  
13 employer right now, sir?

14 ERIK BEDNAREK: Vanasse Hangen  
15 Brustlin, VHB. And just to confirm what I just  
16 stated is, I'm not sure what exactly to say, but  
17 it's to my best knowledge based on technical  
18 understanding of what the question was in regards  
19 to the growth of plant material.

20 MR. MORISSETTE: Ms. Bachman, could you  
21 swear in the witness prior to him answering,  
22 please.

23 ATTORNEY BACHMAN: Of course, Mr.  
24 Morissette. Thank you.

25

1 E R I K B E D N A R E K,

2 having been first duly sworn by Ms. Bachman,  
3 testified on his oath as follows:

4 MR. MORISSETTE: Thank you. And if the  
5 witness could summarize what he had stated for the  
6 record before.

7 THE WITNESS (Bednarek): Yes,  
8 certainly. So the question was in regards to the  
9 growth of the plant material and stating that the  
10 existing material that's shown on the plant  
11 material list is approximately 5 to 7 foot in  
12 height with two-and-a-half inch caliper trees.  
13 And in regards to the growth rate, that after  
14 about two to three years when the roots begin to  
15 mature the plants start to put on more growth  
16 which can vary depending on the type of season,  
17 growing season that is in front of each plant,  
18 whether it's a dry or wet season. But after the  
19 three-year period, they should put on  
20 approximately 6 inches to 12 inches in growth.  
21 Some of the plants may put a little bit more  
22 growth on than that, but they are predominantly  
23 all moderate, have all moderate growth habits.

24 MR. MORISSETTE: Very good. Thank you.  
25 Ms. Bress, please continue with

1 cross-examination.

2 MS. BRESS: Yes. The question just was  
3 is there a possibility, could the trees initially  
4 planted, especially the evergreens, be put in at a  
5 taller height in order to provide a screen, a  
6 visual screen sooner on the project rather than  
7 later?

8 THE WITNESS (Fitzgerald): Ms. Bress,  
9 this is Bryan Fitzgerald. And to answer your  
10 question directly, I guess, yes, they could. And  
11 again, we took the approach in this landscaping  
12 plan, we have something on the order of 130 plus  
13 trees and shrubs, and the sizes proposed, 6 to 7  
14 foot heights in calipers are, in our experience,  
15 what is most commonly available in which we  
16 believe we'd be able to kind of get and plant and  
17 move on and get them established. The larger  
18 trees have sometimes been harder and much more  
19 costly to come by and to acquire.

20 MS. BRESS: I understand that. I'm  
21 asking the question for the benefit of the visual  
22 screen for those surrounding the property. I do  
23 understand that there are costs involved, but  
24 still the question was could it possibly be done  
25 even in just the evergreens or some of the plants

1 chosen that would provide a more, a screen that  
2 would not need a few years or more to provide the  
3 visual -- improve the view.

4           So two more questions along that line.  
5 Could more evergreens be added? I looked at the  
6 design along River Street, and my question was  
7 could more evergreens be added to that current  
8 design because, again, those are the ones that  
9 provide the quickest and most efficient screening  
10 and not detracting or taking away from any of the  
11 other multiple plantings that are there. I saw  
12 there was a lot of -- there were some native  
13 plants there, which was appreciated.

14           So could more evergreens be added to  
15 the current design along River Street, and could  
16 the landscape plantings be extended because it  
17 seems to me that it stops at a certain point south  
18 of the project. Could it be extended to the  
19 southern most point of the site so that it  
20 provides the visual screen across the street from  
21 all of the homes on River Street that will be able  
22 to see the site and able to improve -- improving  
23 the scenic vista?

24           THE WITNESS (Bednarek): Ms. Bress, I  
25 could answer the first part of the question and

1 then I can let the client answer the second half,  
2 if that sounds okay to you.

3 MS. BRESS: Yes, please.

4 THE WITNESS (Bednarek): Okay. Just in  
5 regards to the evergreens along the front of the  
6 property. So what we've done is we've spaced them  
7 kind of a happy medium between providing some  
8 screening initially and then also looking at  
9 long-term growth. If we start to pack them in  
10 really, you know, really densely, then what  
11 happens is when they start to grow into each  
12 other, they start to create dieback at lower  
13 branches. It's very typical of like white pine  
14 trees and spruces. They'll start to lose their  
15 lower limbs and then you start to lose that  
16 screening.

17 So what we've done is, and I'm looking  
18 at a plan right now where I've done some  
19 measurements, when you look at the typical growth  
20 habits of a lot of these trees, the white spruces,  
21 also the cedars and so forth, they're spaced so  
22 that they can fill out and be able to grow and  
23 grow an appropriate type of habit that will allow  
24 to be able to maintain their form that's so  
25 elegant and beautiful when they grow such as the

1 balsam fir and the white spruce and also the  
2 cedar. So we try to compensate for that and  
3 create a happy medium without really trying to  
4 overplant them.

5 MS. BRESS: But I don't think there are  
6 any white pine in this design, right?

7 THE WITNESS (Bednarek): No, but just  
8 kind of referencing that evergreens can, as they  
9 start to grow into each other, they compete. And  
10 what happens, I mean, plants are actually  
11 sensitive, right. So they'll grow towards the  
12 sun, they'll grow in different directions, and so  
13 they're sensitive to each other. So if you start  
14 to plant them too close to each other, they start  
15 to lose their branches very easily.

16 MS. BRESS: So what about another row  
17 then, could it possibly be done utilizing another  
18 row that might be much more widely spaced out but  
19 will fill in the gaps or provide more evergreen  
20 screening that won't impact your current planting?

21 THE WITNESS (Bednarek): In some cases  
22 it looks like it's pretty narrow because we do  
23 have some existing vegetation along River Street.  
24 And based on the property line also and also site  
25 distance issues, we want to be sensitive to as

1 that plant grows over time we want to keep that in  
2 mind. So from my personal opinion, as I look at  
3 this, this is fairly robust between shrubs that  
4 are also evergreen that will get from 8 to 15 feet  
5 tall and then also taller evergreens being the  
6 balsam fir, the white spruce and cedar which are  
7 going to get anywhere from 40 to 100 feet tall  
8 over time. So I think in regards to the design, I  
9 think it's well thought out to think about long  
10 term and healthier growth habits. So I think it's  
11 an adequate plan.

12 MS. BRESS: Thank you. I appreciate  
13 that explanation. So then my last question is  
14 asking about the extensions. Up in the north  
15 there is a large area of deciduous trees that are  
16 bare for a very long period of time and  
17 unfortunately the landscaping plan ends there.  
18 And then in the south, as I just mentioned in the  
19 previous question, it also ends at a certain  
20 point.

21 So my question is, could the design be  
22 extended in the north and extended in the south so  
23 that it creates a visual screen for almost the  
24 entire project, especially for the people who have  
25 like a deciduous plot there that is literally bare



1 for three-quarters of the year, could something be  
2 placed there to give them a little break  
3 three-quarters of the year and also in the south  
4 there's actually nothing in the southern portion,  
5 is that possible?

6 THE WITNESS (Fitzgerald): Ms. Bress,  
7 this is Bryan Fitzgerald. So to touch on the  
8 southern portion first. In a recent meeting and  
9 conversation we had with the Town of Windsor, that  
10 was a point that they brought up as well. And it  
11 was something that we committed to doing to making  
12 an addition to the landscaping plan that you've  
13 seen so far. So we are aligned with your request  
14 on the south. The landscaping there would be  
15 extended to match the start of the panels at the  
16 southern-most extent on River Street. So we are  
17 committed to doing that, and it's something we'll  
18 adjust to the landscaping plan as a final  
19 amendment, per se.

20 To the north we're looking at that more  
21 now having been out at the site recently as well.  
22 And I'm just referencing the plan here. The only  
23 concern that's coming to mind now is that we're  
24 seeing the existing plantings pretty much butt  
25 right up to the forest cover there as it is, so I

1 would be concerned about the overall feasibility  
2 of planting anything there. But that's something  
3 we would consider and look to our partners at VHB  
4 to help us discover if that's going to be possible  
5 as well.

6 MS. BRESS: Thank you. So if it's  
7 feasible, it would be greatly appreciated by the  
8 neighbors there in that area.

9 I want to thank you all and thank the  
10 Siting Council so much. I've taken up a great  
11 deal of time, and I do realize that, but these  
12 were questions that were important to my son and  
13 myself, him as an abutter, and people in the  
14 surrounding community. So thank you very much for  
15 allowing me this time and answering the questions  
16 thoroughly. I truly appreciate it. Thank you.  
17 I'm finished.

18 MR. MORISSETTE: Thank you, Ms. Bress.  
19 You did an excellent job. Thanks for asking your  
20 questions this afternoon.

21 MS. BRESS: Thank you.

22 MR. MORISSETTE: We're going to take a  
23 break. We will come back at 4:40. And when we  
24 return, we will continue with cross-examination of  
25 the petitioner by the grouped resident

1 intervenors. So we'll take a quick break. We  
2 will return -- no, that's not right, 4:40 is in  
3 three minutes. So we will come back at 4:50,  
4 excuse me.

5 ATTORNEY HOFFMAN: Mr. Morissette,  
6 3:50? Is it 3:50 that you want us back at?

7 MR. MORISSETTE: Yes, 13 minutes.

8 ATTORNEY HOFFMAN: Very good. Thank  
9 you, sir.

10 MR. MORISSETTE: Thank you.

11 (Whereupon, a recess was taken from  
12 3:37 p.m. until 3:49 p.m.)

13 MR. MORISSETTE: We'll now continue  
14 with cross-examination of the petitioner by the  
15 grouped resident intervenors' representative. Who  
16 will be representing the intervenors this  
17 afternoon? Is it Ms. Harrison or Ms. Williams?

18 MS. HARRISON: Mr. Morissette, it's  
19 Leslie Harrison. And I spoke with Mr. Williams,  
20 and he agreed that I could speak on behalf of both  
21 of us.

22 MR. MORISSETTE: Very good. Thank you.  
23 Please continue with your cross-examination.

24 CROSS-EXAMINATION

25 MS. HARRISON: Okay. Great. Thank you

1 very much to everyone, the Siting Council and the  
2 petitioner and all the other experts on the phone,  
3 for the opportunity to be able to ask additional  
4 questions to help me further my understanding of  
5 this proposed project and especially for your time  
6 to provide answers to my questions.

7           The breadth and depth of knowledge  
8 required to even understand all of the various  
9 appendices and information provided is quite  
10 extensive, and to someone of my background which  
11 is extremely limited in terms of both legal  
12 processing and/or knowledge of some of the pieces  
13 of this project it's quite overwhelming. So  
14 please accept my apologies in advance if I am  
15 asking questions that sound perhaps not as  
16 educated as I would like them to be. And also, if  
17 I mispronounce anyone's name, I do apologize in  
18 advance.

19           First of all, I wondered if someone  
20 could help me understand the business relationship  
21 between names that I've either read about or heard  
22 about, Windsor Solar One, LLC and Verogy, if  
23 someone could tell me what their business  
24 relationship is and how they interact financially.

25           THE WITNESS (Fitzgerald): Ms.

1 Harrison, this is Brian Fitzgerald with Windsor  
2 Solar One. Verogy is a West Hartford based solar  
3 energy developer and installer. And Verogy wholly  
4 owns Windsor Solar One, which is just a special  
5 purpose company created to house the Windsor Solar  
6 One project. So it is wholly owned by Verogy,  
7 which again, West Hartford based solar developer,  
8 installer and operator of solar energy projects.

9 MS. HARRISON: Thank you very much.  
10 That helps, and that helps me identify also why it  
11 appears that in other projects it's East Windsor  
12 Solar One and Glastonbury Solar One.

13 THE WITNESS (Fitzgerald): Ms.  
14 Harrison, this is Bryan Fitzgerald. That's  
15 correct. In simple terms, those are just as the  
16 structure that I described which is another  
17 special purpose company just to hold that specific  
18 project. I will say East Windsor Solar One is not  
19 owned by Verogy at this time. It was developed by  
20 Verogy.

21 MS. HARRISON: Okay. Thank you for  
22 that clarification. So being a wholly-owned part  
23 or subsidiary, does that mean that financial  
24 compensation goes to Verogy and employees of  
25 Windsor Solar One are paid that way, are Windsor

1 Solar One personnel employees of Verogy?

2 THE WITNESS (Fitzgerald): Ms.  
3 Harrison, this is Bryan Fitzgerald. The  
4 representatives here today, Brad Parsons, James  
5 Cerkanowicz and myself, Bryan Fitzgerald, we are  
6 employees of Verogy and are employed by and  
7 compensated by that entity, and Windsor Solar One,  
8 again, is a wholly-owned company of Verogy.

9 MS. HARRISON: Thank you for that. And  
10 when Ms. Bress asked and someone answered that  
11 Eversource was handling the -- was paying for the  
12 energy that's generated by this project, would  
13 they be then paying Verogy, is Verogy the person  
14 or the entity that receives the money from  
15 Eversource?

16 THE WITNESS (Fitzgerald): Ms.  
17 Harrison, this is Bryan Fitzgerald. The Windsor  
18 Solar One entity has the contract with Eversource  
19 to receive the payment for the energy and  
20 renewable energy certificates that are delivered  
21 under that tariff terms agreement.

22 MS. HARRISON: Okay. Thank you. So  
23 then Windsor Solar One would be the entity that  
24 then pays the person who is leasing the land to  
25 Windsor Solar One?

1 THE WITNESS (Fitzgerald): Ms.  
2 Harrison, this is Bryan Fitzgerald. That's  
3 correct.

4 MS. HARRISON: Great. Thank you. I  
5 guess the next thing that I'd ask is based on some  
6 of the answers that were provided to my  
7 interrogatories, again, just helping me identify  
8 who the players are here. I know the petitioner  
9 is Windsor Solar One. In my Interrogatory Number  
10 10 there was a statement of engineer of record and  
11 I believe that's VHB?

12 THE WITNESS (Fitzgerald): Ms.  
13 Harrison, this is Bryan Fitzgerald. That is  
14 correct, the engineer of record for this project  
15 is VHB.

16 MS. HARRISON: And that's a separate  
17 company?

18 THE WITNESS (Fitzgerald): This is  
19 Bryan Fitzgerald again. Yes, completely separate  
20 from Verogy.

21 MS. HARRISON: Great. Thank you. And  
22 in my Interrogatories Number 15 and number 16  
23 there's a notation that says, "The permittee  
24 responsible for project development and  
25 completion.." Would that be Windsor Solar One?

1 THE WITNESS (Fitzgerald): Ms.  
2 Harrison, this is Bryan Fitzgerald. That is  
3 Windsor Solar One.

4 MS. HARRISON: Thank you. And in my  
5 Interrogatory Number 18 there is reference to the  
6 contractor. Who is the contractor?

7 THE WITNESS (Fitzgerald): Ms.  
8 Harrison, this is Bryan Fitzgerald. So Verogy  
9 acts as the prime contractor for the construction  
10 of this potential solar project. We, Verogy,  
11 hires the subcontractors who complete the work,  
12 the site and civil work, and then the electrical  
13 installation. So Verogy is the contractor.

14 MS. HARRISON: Excellent. Thank you  
15 very much. And in my Interrogatory Number 21  
16 there's a reference to facility staff. Who is  
17 that, please?

18 THE WITNESS (Fitzgerald): Ms.  
19 Harrison, this is Bryan Fitzgerald. Facility  
20 staff would be operations and maintenance  
21 technicians, an electrician, for example, that is  
22 employed by Verogy as the operations and  
23 maintenance provider for the potential project.

24 MS. HARRISON: Thank you very much.  
25 And to piggyback on something that Ms. Bress



1 brought up, if the situation arises where after  
2 completion of the project I think someone  
3 specified that it would be possible some six to  
4 eight months down the road that WSO could sell the  
5 project or the farm or whatever it's called after  
6 it's done, does the purchaser of that  
7 automatically assume the operations management  
8 tasks at that point?

9 THE WITNESS (Fitzgerald): Ms.  
10 Harrison, this is Bryan Fitzgerald. In that  
11 situation the purchaser may assume operations and  
12 maintenance tasks. The purchaser may also hire  
13 Verogy to provide the operations and maintenance  
14 for the project as we currently provide it for  
15 other similar projects that Verogy owns in the  
16 State of Connecticut.

17 MS. HARRISON: Excellent. Thank you  
18 very much. That really helps me understand when  
19 either I get answers or I hear answers as to who  
20 and what group of people we're talking about. I  
21 wish I had written this in my interrogatory but I  
22 did not. Has the Air National Guard units based  
23 out of Bradley, have they been officially notified  
24 in writing of this proposed installation?

25 THE WITNESS (Fitzgerald): Ms.

1 Harrison, this is Bryan Fitzgerald. The Air  
2 National Guard units have not been notified of the  
3 proposed project. We did, however, do an FAA  
4 notification, that's the Federal Aviation  
5 Administration, informing them of the proposed  
6 project and its location and height of what would  
7 be installed equipment, heights of what we would  
8 use for construction equipment, et cetera.

9 THE WITNESS (Cerkanowicz): This is  
10 James Cerkanowicz. For the record, yes, if you  
11 refer to Appendix K, that is the FAA consultation  
12 that determined that it would not be an impact on  
13 FAA on aircraft approach.

14 MS. HARRISON: Right. And I did read  
15 that. Thank you very much for that clarification.  
16 The reason I asked was I didn't know if the  
17 Federal Aviation Administration had purview over  
18 Air National Guard flights. And again, the reason  
19 I'm asking is that they do do training missions,  
20 and I didn't know if they need specifically, the  
21 Air National Guard unit needed specifically to  
22 provide a written response to the Siting Council  
23 that they too have been made aware of this and it  
24 would not affect, the glare or anything else would  
25 not affect their training exercises or flight

1 patterns.

2 THE WITNESS (Fitzgerald): Ms.  
3 Harrison, this is Bryan Fitzgerald. I'll just add  
4 to that point that the notice criteria for the  
5 petition include noticing the Connecticut Airport  
6 Authority, their executive director. So they were  
7 notified of the proposed project.

8 MS. HARRISON: So it would be up to  
9 them to notify anybody else that uses that air  
10 field, correct, that's the extension of that  
11 answer?

12 THE WITNESS (Fitzgerald): Ms.  
13 Harrison, this is Bryan Fitzgerald. I don't know  
14 for sure. I'm not --

15 MS. HARRISON: Right. But that would  
16 be what we would expect. Okay. Thank you very  
17 much.

18 I know Ms. Bress asked a number of  
19 sound concerns. I wondered if I could ask a few  
20 more. Could you please, could someone please  
21 describe to me how and when you expect sound to be  
22 generated? I know you said the inverters on the  
23 pads would be operational most of the day  
24 continuously. Could you tell me how the panels,  
25 how often the panels would turn, do they turn as

1 an entire field, do they turn one at a time?

2 THE WITNESS (Cerkanowicz): I can  
3 address that. This is James Cerkanowicz. The  
4 motors will be typically operating somewhat in  
5 unison as they are trained to, the tracking system  
6 itself is trained to just do as it suggests, track  
7 the sun, and they rotate at various points over  
8 the course of the day. So the expectation is you  
9 would see the panels facing east first thing in  
10 the morning, roughly level around midday, and then  
11 facing west towards the latter part of the day  
12 before returning to the start position. And the  
13 motors would be just operating at intermittent  
14 times to make those subtle adjustments. They  
15 would not be continuously operating.

16 MS. HARRISON: Would all panels in a  
17 row or connected to a motor turn at the same time?

18 THE WITNESS (Cerkanowicz): This is  
19 James Cerkanowicz. Yes, that's correct. If you  
20 do zoom in on the Figure 5 that is provided, you  
21 can somewhat see in the middle of each blue row  
22 there is sort of what looks like a darker spot.  
23 And what that essentially is, is the location of  
24 each motor which in turn turns that entire length  
25 of panels.

1 MS. HARRISON: Okay. Great. Thank you  
2 very much for that clarification. Does weather  
3 impact whether these things turn or not, for  
4 instance, on a cloudy day will they still turn  
5 somewhat, on a rainy day will they not turn at  
6 all?

7 THE WITNESS (Cerkanowicz): This is  
8 James Cerkanowicz. They, again, will follow the  
9 directionality of the sun. My understanding is  
10 this is regardless of whether that is bright  
11 sunlight or cloudiness. The lack of strong  
12 sunshine I think just simply means that they'll be  
13 absorbing it, obviously creating less energy, but  
14 they would still be tracking the directionality of  
15 the sun to some degree whether or not it is bright  
16 and sunny or raining.

17 MS. HARRISON: Thank you. Does that  
18 sort of imply then that they're on some kind of a  
19 timer?

20 THE WITNESS (Cerkanowicz): This is  
21 James Cerkanowicz. I don't want to speak to the  
22 exact composition of the motor, but my  
23 understanding is that it's not on any kind of a  
24 timer. I believe it is a sensor that adjusts  
25 since obviously there are different times of the

1 year, you know, based on, as you can imagine, how  
2 early the sun comes up and how late it goes down  
3 and, you know, different seasons, et cetera. So  
4 my understanding is there are sensors that adjust  
5 based on the different time of the year.

6 MS. HARRISON: Right. Okay. That  
7 makes very good sense. Thank you. And did I  
8 understand correctly that the panels would have to  
9 tilt to remove any snow buildup, especially if  
10 there was no sun shining on the panels at the time  
11 that the snow was falling?

12 THE WITNESS (Cerkanowicz): This is  
13 James Cerkanowicz again. Our experience from  
14 speaking to the manufacturer of the panels and  
15 speaking to the manufacturer of the tracking  
16 system is that the panels are generally  
17 self-shedding but that there is an ability for the  
18 panels to adjust if there is detection of a  
19 collection of snow to, I'll call it, the most  
20 extreme angle to help shed the snow off if it's  
21 detecting that there is accumulation. But most  
22 typically because of that high degree, that 60  
23 degree angle when it's at its highest tilt, I'll  
24 call it, snow tends to naturally shed. And over  
25 the course of the day as the sun is hitting the

1 paddles, it would typically melt any precipitation  
2 that might have stuck to the panels.

3 MS. HARRISON: Thank you very much. I  
4 believe in my Interrogatory Number 25 I asked if  
5 the information that was contained in that plan  
6 was the final equipment, electrical equipment, and  
7 I believe the answer was no that those still must  
8 be submitted to the Siting Council. Has that been  
9 done?

10 THE WITNESS (Cerkanowicz): This is  
11 James Cerkanowicz. The materials that are  
12 proposed were part of that TCLP report. So the  
13 brand of panels, the brand of inverters and the  
14 projected brand of transformer, et cetera, are all  
15 what is intended to be purchased and installed.  
16 If there were any reason to want to deviate from  
17 what is proposed currently, that would need to be  
18 submitted as an update to this petition.

19 MS. HARRISON: Okay. Great. My next  
20 set of questions do revolve around the revised  
21 site plan that was provided. Under the general  
22 notes heading do you put a contract out to bid or  
23 do you have a contractor already identified? You  
24 may have answered that when you answered who the  
25 contractor is on the project.

1 THE WITNESS (Fitzgerald): Ms.  
2 Harrison, this is Bryan Fitzgerald. While we have  
3 a contractor identified, we do ultimately put the  
4 contract out to bid before construction starts  
5 seeking multiple bids before one is awarded.

6 MS. HARRISON: Okay. Would you likely  
7 put that contract out to the same contractor that  
8 built in East Windsor for the East Street Middle  
9 Road project?

10 THE WITNESS (Fitzgerald): Ms.  
11 Harrison, this is Bryan Fitzgerald. That  
12 contractor would bid on the work for this project  
13 potentially. Excuse me, we would put the contract  
14 out to that contractor for them to bid on it.

15 MS. HARRISON: If they wanted to.

16 THE WITNESS (Fitzgerald): Correct.  
17 Excuse me.

18 MS. HARRISON: Great. Thank you.  
19 Moving to the heading under demolition, Item  
20 Number 3 discusses the role labeled engineer,  
21 which we've already identified, I believe, as VHB?

22 THE WITNESS (Fitzgerald): Yes, that's  
23 correct, Ms. Harrison.

24 MS. HARRISON: And in that Item Number  
25 3 it documents that VHB would be held harmless



1 relative to anything concerning hazardous  
2 materials, including discovery -- and I'm quoting  
3 here -- "discovery, removal, abatement or disposal  
4 of hazardous materials, toxic wastes or  
5 pollutants." And it further states that "The  
6 engineer shall not be responsible for any claims  
7 of loss, damage, expense, delay, injury or death  
8 arising from the presence of hazardous material."  
9 That is also a direct quote.

10 Since the engineer who we have  
11 identified as VHB is not responsible and is held  
12 harmless, who would be the responsible party and  
13 who would be liable for any of those damages  
14 resulting from the above language concerning  
15 hazardous materials?

16 ATTORNEY HOFFMAN: Mr. Morissette, I'm  
17 going to object to that question. That also calls  
18 for a pretty complex legal conclusion.

19 MR. MORISSETTE: Yes, the objection is  
20 sustained. Unfortunately, the panel is not  
21 staffed with legal representation to answer that  
22 question. So if you would like to rephrase it,  
23 please go ahead, Ms. Harrison.

24 MS. HARRISON: Okay. Thank you,  
25 Mr. Morissette. Let me think about that for a

1 second. I did hear that previously I think  
2 Attorney Hoffman might have said that he objected  
3 to the use of hazardous material when Ms. Bress  
4 used those terminologies. Why is it -- if it's  
5 something that he objects to, why is it included  
6 in the revised plan?

7 THE WITNESS (Cerkanowicz): This is  
8 James Cerkanowicz. I think the note that you're  
9 referring to, if you're referring to the note  
10 Number 3, is a standard demolition note that is on  
11 Sheet C-1.0 prepared by VHB.

12 MS. HARRISON: That's correct.

13 THE WITNESS (Cerkanowicz): Okay. So I  
14 believe that is -- and maybe Steve can correct me  
15 if I'm wrong -- but I believe that is a general  
16 note that indicates that if they are -- if there's  
17 something detected in the ground when construction  
18 were to occur that they have not, you know,  
19 they're not responsible for every piece of, you  
20 know, if there is, say, some sort of hazardous  
21 material that is discovered because they were not  
22 responsible for doing a complete subsurface  
23 exploration of the entire site, they are not  
24 responsible, say, for the remediation.

25 So I'll just throw out a hypothetical.

1 They find an underground storage tank that  
2 obviously they would have no way of knowing it was  
3 there, and that's therefore saying that VHB is not  
4 responsible. However, obviously we would as the  
5 developers be responsible for coordinating with  
6 the, say, the property owner if something of that  
7 nature were to --

8 MS. HARRISON: Okay. Thank you very  
9 much. On the drawings referenced as C-2.0, Layout  
10 and Materials Plan, has the number of pads  
11 increased in this revised version?

12 THE WITNESS (Cerkanowicz): This is  
13 James Cerkanowicz. The number of pads has not  
14 increased. It might be a slight reconfiguration  
15 as we've honed in on the size of the pad needed  
16 for the transformers and for the switchgear for  
17 the inverters.

18 MS. HARRISON: Okay. Because I believe  
19 in my Interrogatory Number 2 the answer that was  
20 provided to that question was the pad was going to  
21 be 60 feet by 25 feet, and the word "pad" was  
22 singular. And in looking at this diagram, it  
23 looks to me, it doesn't say anything, but it says  
24 proposed pad equipment, and it looks like two  
25 different somewhat rectangular shaped items.

1           THE WITNESS (Cerkanowicz): I can  
2 respond to that. Yes, this is James Cerkanowicz.  
3 Yes, in terms of issuing those distances, I  
4 believe that was a distance measurement provided  
5 for each of those pads. So that would be times  
6 two when I provided those measurements.

7           MS. HARRISON: Okay. So having just an  
8 "S" on word in the answer to the interrogatory  
9 would have eliminated my question. Has the  
10 orientation of the pads changed any?

11           THE WITNESS (Cerkanowicz): Yes. This  
12 is James Cerkanowicz. The orientation did change  
13 slightly. It looks like we had more of a  
14 longitudinal east-west configuration. It now  
15 shows a more north-south for the longer dimension.  
16 And just in terms of one thing to also add. The  
17 pad itself may not necessarily be concrete  
18 underneath. The transformers will be a typical  
19 concrete pad; however, the structure needed to  
20 support the inverters and some of the electrical  
21 equipment may sometimes be what is sometimes  
22 referred to as Unistrut, so it is sort of a metal  
23 framing that suspends the equipment just above  
24 grade, and then the surface below it will often be  
25 gravel, not concrete.

1 MS. HARRISON: Thank you very much for  
2 that clarification. So in terms of the  
3 orientation change, did I understand in someone's  
4 answer to Ms. Bress's question about I think it  
5 was fans and someone said some would be pointed  
6 towards the west side residents on River Street  
7 and some would be pointed away. If the pads'  
8 orientation were the way they were in the original  
9 plan, would they be more pointed toward the north  
10 and towards the farmer's home in the south?

11 THE WITNESS (Cerkanowicz): This is  
12 James Cerkanowicz. Yes, the precise layout within  
13 that rectangular area is something that's  
14 typically worked out at a construction level of  
15 detail. But, you know, generically speaking, the  
16 previous orientation might have those -- where it  
17 might have those fans in a more north-south  
18 direction as opposed to maybe facing east-west,  
19 I'd like to stress that the distance from any of  
20 these residences is quite significant,  
21 particularly, you know, when compared to some of  
22 the noise issues that are sometimes reference at  
23 our other site which was a much shorter distance,  
24 I believe on the neighborhood of something like  
25 110 feet, whereas we're now I believe it was 180

1 at the East Windsor Solar One site to the nearest  
2 residence where now we're looking at 680 feet by  
3 comparison to Mrs. Bress's son, his residence to  
4 the north.

5 MS. HARRISON: Thank you. I know that  
6 noise probably travels better directly from the  
7 source than it does, you know, if it's wind blown  
8 or some other mechanism. And so I would, I guess,  
9 I would have been, based on the answer that was  
10 provided earlier this afternoon, I guess I would  
11 have felt that the more north-south orientation  
12 would have limited the sound acoustics, but  
13 clearly I am not an expert in this area at all.  
14 But if it was possible to reorient that to go back  
15 to the way it was --

16 THE WITNESS (Cerkanowicz): If I could  
17 respond to that further just to further indicate  
18 that, you know, by our noise analysis even with  
19 this orientation the thresholds for the noise  
20 levels are far below the limiting values provided  
21 in the DEEP regulations.

22 MS. HARRISON: Right. I did hear you  
23 say that and I can certainly appreciate that.  
24 Thank you. On the drawing referenced as C-4,  
25 erosion and sediment control plan, I just have a

1 question that I think maybe you helped me answer  
2 that. Item number 7 makes reference to a  
3 qualified SWPPP inspector. I assume that has  
4 something to do with stormwater something.  
5 Someone made a reference to it, and I gathered  
6 that's what the acronym stands for.

7 THE WITNESS (Cerkanowicz): That is  
8 correct. The SWPP -- this is James Cerkanowicz --  
9 is another reference to the DEEP Stormwater  
10 Pollution Prevention Plan.

11 MS. HARRISON: Thank you very much.  
12 And in Item 9 on that same drawing it makes  
13 reference to the Town of Windsor agent, zoning  
14 enforcement agent, and engineering department.  
15 Could you identify, please, who the person is that  
16 serves as the Town of Windsor agent?

17 THE WITNESS (Cerkanowicz): This is  
18 James Cerkanowicz. That would be at the  
19 discretion of the town, so certainly the town has  
20 a listing of who their zoning enforcement officer  
21 is, and sometimes in this case it can be a  
22 wetlands agent. There can be a designated  
23 wetlands enforcement officer. That varies by  
24 town.

25 MS. HARRISON: Okay.

1 THE WITNESS (Kochis): Ms. Harrison,  
2 this is Steve Kochis. And that would also be  
3 contingent upon who is available as town staff at  
4 the time of construction as well. So that answer  
5 may be different today compared to when this  
6 project is constructed.

7 MS. HARRISON: And would you -- I mean,  
8 I understand you don't control town employees, but  
9 would you expect that person to, assuming that  
10 they were continuously employed by the town, to  
11 remain in that position throughout the  
12 construction phase?

13 THE WITNESS (Cerkowicz): This is  
14 James Cerkowicz again. We don't have any  
15 control over who the Town of Windsor employs, so  
16 we would simply defer to whoever their designated  
17 agent is.

18 MS. HARRISON: Okay. And I guess by  
19 extension I would assume that the reference to the  
20 zoning enforcement agent and the engineering  
21 department would also be prefaced by Town of  
22 Windsor zoning enforcement agent and Town of  
23 Windsor engineering department?

24 THE WITNESS (Cerkowicz): This is  
25 James Cerkowicz. That's correct.



1 MS. HARRISON: Thank you. And in the  
2 construction sequencing notes, the third section  
3 of C-4, Item 7 states that the installation of the  
4 racking shall follow the foundation installation  
5 by roughly one week starting from the same point.  
6 Could someone please help me understand where the  
7 starting point is on this drawing?

8 THE WITNESS (Kochis): This is Steve  
9 Kochis. I'm just trying to think out the answer.  
10 The answer is going to be that that's going to be  
11 contingent upon the site contractor that's  
12 selected. That could very well be, I think the  
13 anticipation would typically be they start at one  
14 end and they move to the other as it sits right  
15 right now, and that could depend upon their use of  
16 laydown areas for availability to the site or any  
17 number of issues.

18 So I can't sit here today and tell you  
19 that they're going to start in the north or the  
20 south. But, you know, we kind of see solar as a  
21 three-part installation. The first is the,  
22 outside of stabilizing the site, the first is the  
23 installation of the foundation system which is  
24 likely going to either be piles or ground screws.  
25 The second would be the installation of the

1 racking structure. And the third would be  
2 installation of the panels. And then following  
3 that would be the installation of all the wiring  
4 and the electrician's work.

5 MS. HARRISON: So in the past projects  
6 that you have done looking at this site plan, and  
7 I understand you can't answer completely 100  
8 percent, but would you expect if I was looking at  
9 the north end of the project that they would build  
10 all of those panels north to south to the access  
11 road before they might start doing something south  
12 of the access road?

13 THE WITNESS (Cerkanowicz): This is  
14 James Cerkanowicz. Again, once a contractor is  
15 selected, we work with them on their planned  
16 schedule for the actual construction within the  
17 overall system. So it is difficult to say  
18 precisely they would start in the north, they  
19 would start in the south. But certainly there's  
20 certain activities, and whether or not they  
21 complete the first section in the north and then  
22 move to the south versus -- more typically though  
23 I would say they typically would want to do one  
24 activity through and through, so driving all the  
25 piles first typically, then typically installing

1 all the racking, and then typically followed by  
2 the installation of the panels.

3           However, sometimes due to availability  
4 of delivery of materials or, again, logistics with  
5 regard to availability of labor, they may have a  
6 good reason to say we're going to construct the  
7 entire system north of the access road then the  
8 entire system south of the access road. So there  
9 has to be some flexibility in construction  
10 sequencing for that reason.

11           MS. HARRISON: Thank you for that  
12 clarification. That helps. And on the drawing  
13 referenced as C-5, site plans, there's a picture  
14 of a danger and site facility signs, and it  
15 denotes that these signs will be mounted onto the  
16 chain link fence. I didn't see anything in the  
17 legend that specifically labeled the chain link  
18 fence. Could you identify which fencing will be  
19 chain link? And I would also that say that based  
20 on my Interrogatory Number 47, the answer  
21 indicated that there would not be a chain link  
22 fence and that a 7-foot agricultural style fence  
23 would be used.

24           THE WITNESS (Cerkanowicz): This is  
25 James Cerkanowicz. Yes, you're correct, this

1 particular detail I think would be appropriate for  
2 us to update that note number 2 to indicate that  
3 this would be the agricultural style fence, not  
4 the chain link style fence.

5 MS. HARRISON: Okay. Great. Thank  
6 you. And so that modification will be made and a  
7 new C-5 site plan drawing would be added?

8 THE WITNESS (Cerkanowicz): This is  
9 James Cerkanowicz. Yes, we would have no  
10 objection to making that revision to the plan.

11 MS. HARRISON: Okay. Great. On the  
12 drawing referenced at L-6.1, Planting Plan, first  
13 let me say I was very pleased to see that WSO has  
14 increased the number of plantings in this version  
15 of the plan. And I was very gratified to hear  
16 that I believe you said in discussions with the  
17 Town of Windsor you are also talking about  
18 extending the planting beyond where it stops now  
19 just south of the access road. Is that correct?

20 THE WITNESS (Fitzgerald): Ms.  
21 Harrison, this is Bryan Fitzgerald. That is  
22 correct.

23 MS. HARRISON: Okay. And would you  
24 expect -- I realize the plans aren't in place --  
25 but would you expect that the plantings would be

1 similar to the ones that you show in the plan  
2 currently and in your visibility assessment  
3 presentation, those same species of trees and  
4 shrubs would be extended southwards along River  
5 Street?

6 THE WITNESS (Fitzgerald): Yes, Ms.  
7 Harrison. Again, this is Bryan Fitzgerald. We  
8 would effectively extend the current plan that  
9 you've seen and visibility in L-6.1 further south.

10 MS. HARRISON: Excellent. Thank you  
11 very much. And on the last page referenced as  
12 Plan of Land in Windsor, Connecticut, I noticed in  
13 the legend that it depicts a symbol for utility  
14 pole, but I couldn't find that symbol on the map.  
15 And I know it's been on other maps or at least  
16 it's been indicated where that would be. Is it  
17 sort of at the end of the dirt farm road, the  
18 south end of the dirt farm road where the sort of  
19 dotted line juts back out towards the street?

20 THE WITNESS (Cerkanowicz): This is  
21 James Cerkanowicz. Is the question where is there  
22 a utility pole, is that what you're asking?

23 MS. HARRISON: Yes.

24 THE WITNESS (Cerkanowicz): Yes. So  
25 this is James Cerkanowicz. There are, because

1 there are no overhead utility poles on the  
2 north-south portion of River Street, the nearest  
3 utility, there are utility poles at the  
4 intersection of Old River Street and the  
5 east-western portion of River Street. So there is  
6 overhead electrical lines along the southern side  
7 of where River Street runs east-west and becomes  
8 Old River Street. And you can see them on the map  
9 as UP/4/6/0 and counting up as you head easterly.

10 MS. HARRISON: Okay. And is utility  
11 pole the correct definition of what I understood  
12 to be three poles that will be installed to take  
13 the underground lines up and out and then put back  
14 underground and travel south to the corner of Old  
15 River Road, Old River Street and River Street?

16 THE WITNESS (Cerkanowicz): This is  
17 James Cerkanowicz. Yes, that is correct, three  
18 utility poles would take it from underground,  
19 overhead and then back underground to that  
20 interconnection, that's correct.

21 MS. HARRISON: Okay. Thank you very  
22 much. Again, these questions that I have now  
23 reference the visibility assessment presentation  
24 that was provided in the updated set of documents.  
25 And on your slide 3 labeled South View Vegetated

1 Buffer, I think your landscape architect today  
2 indicated that trees there would grow, were  
3 labeled moderate growth, and it would be 6 to 12  
4 inches a year expectation of vertical growth. Is  
5 that true?

6 THE WITNESS (Bednarek): Yes, that's  
7 correct. This is Erik Bednarek, Ms. Harrison.

8 MS. HARRISON: Thank you very much.  
9 And I was going to talk about slide 9 which does  
10 show the area basically south of the access road  
11 where planting had stopped, and I was going to  
12 urge you to expand your planting plan. But as I  
13 heard you say earlier, that is something that you  
14 are in discussion with the Town of Windsor on and  
15 that you will be providing updated plans that  
16 include that increased planting.

17 THE WITNESS (Fitzgerald): Ms.  
18 Harrison, this is Bryan Fitzgerald. That's  
19 something we have committed to with the Town of  
20 Windsor, so just a matter of providing the updated  
21 plan in due course.

22 MS. HARRISON: Excellent. Thank you  
23 very much. I'd like to revisit some of the  
24 information that I heard in the original  
25 evidentiary hearing that concerned Eversource and

1 the need for pole-mounted equipment versus  
2 pad-mounted equipment for the necessary  
3 above-ground portion of the electrical  
4 connections. Since there are no utility poles  
5 located on that section of River Street bounded by  
6 Strawberry Hills, it would seem that the lower  
7 pad-mounted equipment would have less visual  
8 impact, and I thought the word Eversource's  
9 "preference" as if there were multiple options  
10 available. Would that be revisited and could a  
11 pad-based above-ground installation be installed?

12 THE WITNESS (Cerkanowicz): This is  
13 James Cerkanowicz. Again, we take the direction  
14 of Eversource because they are the ones that  
15 perform the impact studies and look at what is for  
16 them the most logical and feasible installation  
17 both from a constructability and a maintenance  
18 standpoint. And this is their recommendation  
19 which is what we support. And I think it's  
20 sometimes a little bit misleading to thinking that  
21 pad-mounted equipment is not visually intrusive.  
22 These are, you know, quite large, in our  
23 experience, and so oftentimes they are not more  
24 visually appealing than a simple pole with a piece  
25 of equipment mounted at the top in our experience.



1 MS. HARRISON: Okay. Fair enough. And  
2 does Eversource actually -- I realize there's no  
3 Eversource person, so maybe I can't answer this,  
4 but serviceability for an aerial bucket truck is  
5 easier than standing on the ground servicing  
6 something?

7 THE WITNESS (Cerkanowicz): This is  
8 James Cerkanowicz. Having previously worked at  
9 Eversource, I can comment that this is what they  
10 recommend because I know that it's from a  
11 maintenance perspective, yes, while they do have  
12 to employ a bucket truck, it is equipment that  
13 they are more familiar with and, again, is  
14 equipment that is more easily obtainable from a  
15 supply chain standpoint. So in the event that  
16 maintenance or that replacement is necessary, it  
17 is often far easier if it does involve the use of  
18 a bucket truck as opposed to ground work.

19 MS. HARRISON: Fair enough. Thank you.  
20 Has Appendix L had any updates since the initial  
21 hearing as I did not see a new date noted on it by  
22 the Council's website.

23 THE WITNESS (Cerkanowicz): This is  
24 James Cerkanowicz. To my knowledge, there was not  
25 any comments that would have resulted in the

1 changes or updates to Appendix L.

2 MS. HARRISON: I reviewed the initial  
3 hearing transcripts, and again, pardon me if I  
4 mispronounce the name, but I believe Mr. Silvestri  
5 was commenting on Appendix L and discussing the  
6 refueling of vehicles and machinery, and I believe  
7 Mr. Parsons indicated that he would remove the  
8 word vehicles from bullet points 2 and 3.

9 THE WITNESS (Cerkanowicz): I stand  
10 corrected. This is James Cerkanowicz. I believe,  
11 now that you mention it, I do recall that  
12 discussion. So you're correct that I believe that  
13 that adjustment to Appendix L still needs to be  
14 made at this time.

15 MS. HARRISON: Okay. Thank you. I  
16 don't know what the length of time the entities  
17 involved in this project have been installing  
18 solar farms. Has any entity in this project been  
19 involved in any decommissioning?

20 THE WITNESS (Fitzgerald): Ms.  
21 Harrison, this is Bryan Fitzgerald. Verogy and  
22 the other entities involved have not been involved  
23 in any decommissioning. We have, however, been  
24 involved in retroactive deconstruction then  
25 reconstruction for various different measures. So

1 effectively going back after a project has been  
2 completed, going back after a year or so, removing  
3 components, completing work on either rooftop or  
4 ground and reinstalling those components that were  
5 removed.

6 MS. HARRISON: Okay. Could you supply  
7 the length of time that a project that Verogy has  
8 been involved in has been in use?

9 THE WITNESS (Fitzgerald): Ms.  
10 Harrison, this is Bryan Fitzgerald. I could  
11 answer that in two parts. We have constructed  
12 projects going back, you know, six years that are  
13 operating today for other owners. We have  
14 constructed projects that we own and operate that  
15 will have been operating for five plus years as of  
16 this month.

17 MS. HARRISON: Okay. Thank you. So as  
18 you stated earlier, you have rebuilt in some  
19 situations but you have never handled a complete  
20 dismantling at the end of a lease or the end of  
21 the useful life of the equipment?

22 THE WITNESS (Fitzgerald): Ms.  
23 Harrison, this is Bryan Fitzgerald. That's  
24 correct, and simply due to the fact that a project  
25 has never gone full term yet, so decommissioning

1 has never, full decommissioning has never been  
2 broached.

3 THE WITNESS (Kochis): Ms. Harrison,  
4 this is Steve Kochis. I'll just add a little  
5 color. And I hope I'm correct in saying this, but  
6 I don't believe there has been a project in the  
7 State of Connecticut that has been decommissioned  
8 by any entity yet.

9 MS. HARRISON: Great. Thank you very  
10 much. So this is, I mean, this just speaks to the  
11 newness of this technology.

12 THE WITNESS (Fitzgerald): Ms.  
13 Harrison, this is Bryan Fitzgerald. It possibly  
14 speaks to the newness. It could also speak to the  
15 fact that these projects also operate for  
16 typically at a minimum 15 to 20 years. And I  
17 think some of the earlier ground-based solar  
18 projects awarded through DEEP RFPs possibly have  
19 been operating for over 10 plus years at this  
20 point in time and are halfway through their  
21 contractual obligations to sell power to utility  
22 companies. So possibly a combination of newness  
23 depending on your time horizon and also the fact  
24 that these projects have long-term contracts to  
25 sell electricity and renewable energy

1 certificates.

2 MS. HARRISON: Thank you for that added  
3 clarification. I'd like to turn my questioning to  
4 some sheep grazing questions, if you don't mind,  
5 please. Has Windsor Solar One utilized sheep to  
6 maintain the vegetation of any of their other  
7 projects?

8 THE WITNESS (Fitzgerald): Ms.  
9 Harrison, this is Bryan Fitzgerald. Verogy  
10 certainly has been using sheep grazing. This  
11 season will be our third consecutive season  
12 grazing sites that we have developed. We're about  
13 to kick off grazing at another project in Enfield  
14 in a month or so, and we intend to employ that  
15 tactic here as well.

16 MS. HARRISON: Okay. Given the answer  
17 to the Town of Windsor's Interrogatory Number 50,  
18 my understanding is that there would be no shelter  
19 provided for the sheep; is that correct?

20 THE WITNESS (Fitzgerald): Ms.  
21 Harrison, this is Bryan Fitzgerald. There will be  
22 no shelter provided for the sheep. And while the  
23 sheep will spend consecutive nights on the  
24 property, they do not spend the entire year there.  
25 They winter at a home farm nearby. And they often

1 use the cover of the panels for cover from rain,  
2 sunlight, heat, et cetera.

3 MS. HARRISON: Okay. Given this is  
4 your, as you stated, your third year utilizing  
5 sheep, what happens in the event of a lightning  
6 storm, is there any increased chance that the  
7 sheep standing under one of the panels might have  
8 a likelihood of being injured or killed given that  
9 the panels, I believe, have metal in them?

10 THE WITNESS (Fitzgerald): Ms.  
11 Harrison, this is Bryan Fitzgerald. These  
12 ground-based systems are grounded. So if there is  
13 a lightning strike, they are meant to take and  
14 ground that strike. And at least in our  
15 experience, we haven't had an issue with the  
16 situation that you described. And I wouldn't make  
17 an assumption. I'm not qualified to make an  
18 assumption on what could happen if the sheep were  
19 underneath the panels.

20 MS. HARRISON: Okay. I didn't see  
21 anything in the -- I know the DEEP report talked a  
22 lot about endangered species and the like. I  
23 didn't see any notification in there or any  
24 documentation about active bear, bobcat or coyote  
25 populations in the proposed site. Is that not

1 something that DEEP cares about or that WSO cares  
2 about?

3 ATTORNEY HOFFMAN: I'm going to object  
4 to that question to the extent it's calling for  
5 speculation on DEEP, but it's certainly something  
6 that Windsor Solar One can answer with respect to  
7 Windsor Solar One.

8 MR. MORISSETTE: Thank you,  
9 Mr. Hoffman. The objection is sustained, but  
10 please continue to answer based on what you are  
11 aware of. Thank you.

12 THE WITNESS (Fitzgerald): Ms.  
13 Harrison, this is Bryan Fitzgerald. I can say we  
14 are aware that the DEEP Natural Diversity Data  
15 Base, and Steve Kochis or Jeff, please correct me  
16 if I'm wrong, focuses on threatened, endangered or  
17 species of special concern and whether or not the  
18 proposed project or development is within the  
19 vicinity of known species that inhabit those  
20 specific habitats. However, to the second part,  
21 the well-being of the livestock on site is  
22 obviously very important to our grazing partners  
23 as well as Windsor Solar One, and what we do to  
24 deal with potential predatory animals is ensure  
25 that fences are constructed all the way to grade,

1 sometimes below grade. And in the event of known  
2 predators in the area, our grazing partners will  
3 employ livestock guardian animals such as llamas  
4 or donkeys is what they use on their home farms in  
5 the area, and that works out quite well.

6 MS. HARRISON: Okay. Thank you very  
7 much for that. So you by extension, I guess, you  
8 believe that the current fencing plan would  
9 prevent any of these types of predatory animals  
10 from being able to access the site and reach the  
11 sheep?

12 THE WITNESS (Fitzgerald): Ms.  
13 Harrison, this is Bryan Fitzgerald. The design of  
14 the fence is certainly intended to do that, and  
15 the use of those additional guardian animals can  
16 be employed obviously if there are expected issues  
17 with predatory animals.

18 MS. HARRISON: Okay. Thank you. I  
19 believe I read in the first part of the  
20 evidentiary hearing that it was Mr. Mercier that  
21 asked if the cost, if it was more cost effective  
22 to use sheep grazing versus mechanical means to  
23 control vegetation under the arrays, and I believe  
24 Mr. Fitzgerald stated that it is not necessarily  
25 more expensive to do one rather than the other.



1 Is my understanding correct?

2 THE WITNESS (Fitzgerald): Ms.  
3 Harrison, this is Bryan Fitzgerald. That's our  
4 understanding as alluded to in the previous  
5 session just based on market experience of  
6 contracting with grazing farmers and also seeking  
7 bids from landscaping professionals and comparing  
8 and contrasting.

9 MS. HARRISON: So would WSO be amenable  
10 if the Siting Council directed that mechanical  
11 machinery be used in this instance as opposed to  
12 utilizing sheep?

13 THE WITNESS (Fitzgerald): Ms.  
14 Harrison, this is Bryan Fitzgerald. If the Siting  
15 Council directed us to do so, we would certainly  
16 have to do so.

17 THE WITNESS (Kochis): And this is  
18 Steve Kochis. And I'll look to the Verogy team to  
19 correct me if I'm wrong here, but I think there  
20 are commitments made in our consultations with  
21 Department of Agriculture. So in concert with  
22 what Mr. Fitzgerald was saying, it would have to  
23 be the Siting Council and understanding or working  
24 with the Department of Agriculture to modify those  
25 requirements or those asks.

1 MS. HARRISON: So if I understand you  
2 correctly, you're saying that the Connecticut  
3 Department of Agriculture, and I don't want to put  
4 words in your mouth, has advised or has  
5 recommended strongly that sheep be used?

6 THE WITNESS (Fitzgerald): Ms.  
7 Harrison, this is Bryan Fitzgerald. So as a part  
8 of what Windsor Solar One has to do to enter the  
9 petition process with the Siting Council, Windsor  
10 Solar One needs to consult with the Department of  
11 Agriculture. In this situation we've done that  
12 here, and Windsor Solar One has proposed to the  
13 Department of Agriculture that we do sheep grazing  
14 here as it's worked at other sites and we can do  
15 it, we can do it here is our thought. And the  
16 Department of Agriculture agreed with that and  
17 effectively said we agree with your proposed  
18 co-use plan and we expect you to follow this set  
19 of guidelines. And when I say "this" it's their  
20 agrivoltaics and livestock guidelines that they  
21 publish.

22 MS. HARRISON: Okay. Thank you very  
23 much. Does Windsor Solar or Verogy, do they have  
24 any sites where sheep are not used?

25 THE WITNESS (Fitzgerald): Ms.

1 Harrison, this is Bryan Fitzgerald. Windsor or  
2 Verogy has developed sites in the past where sheep  
3 were not used. Those sites sometimes were not  
4 sited on farmland, for example.

5 MS. HARRISON: Okay. So the Department  
6 of Agriculture couldn't in those situations say  
7 that the sheep would be a better use of the land?

8 THE WITNESS (Fitzgerald): Ms.  
9 Harrison, this is Bryan Fitzgerald. In that  
10 situation where that specific project was not  
11 sited on any prime farmland, we presented that map  
12 to the Department of Agriculture, and because it  
13 was not sited on any prime farmland, there was no  
14 proposed co-use by us as a developer in that  
15 situation.

16 MS. HARRISON: Okay.

17 MR. MORISSETTE: Ms. Harrison, if I  
18 could interrupt. Just for your information, the  
19 Siting Council has exclusive jurisdiction over  
20 this project, and we are not bound by what  
21 agriculture puts forth. We certainly consult and  
22 listen to what their proposals are, but we're not  
23 bound by any means to adhere to the requirements.

24 MS. HARRISON: Thank you very much for  
25 that clarification. I guess I would say, given

1 some of the concerns I think I have alluded to in  
2 my questioning, that if mechanical machinery  
3 doesn't cost any more and sheep don't cost any  
4 less significantly as the WSO witnesses have  
5 stated, that, you know, I think it would be better  
6 given what I have seen in the area in terms of  
7 bears and bobcats and coyotes. Yes, you know,  
8 I've heard that we can have llamas and donkeys  
9 protecting the sheep, but -- and with no  
10 protection for the sheep, and I understand the  
11 panels are grounded, but side strikes and things  
12 like that happen, and I just think, if there's no  
13 difference financially, it might be something that  
14 I would encourage the Siting Council to perhaps --  
15 I don't know what the correct word is -- but  
16 enforce, strongly suggest to WSO that they do not  
17 include sheep in this project.

18 ATTORNEY HOFFMAN: Mr. Morissette, I  
19 don't believe that was a question. I believe that  
20 was testimony.

21 MR. MORISSETTE: Yes. Ms. Harrison,  
22 please refrain from testifying and stick to the  
23 questioning.

24 MS. HARRISON: Okay. Would the -- can  
25 I ask a question of Siting Council personnel or am

1 I only allowed to ask questions of --

2 MR. MORISSETTE: You are only allowed  
3 to cross-examine the petitioner at this point.

4 MS. HARRISON: Okay. Thank you.

5 MR. MORISSETTE: Thank you.

6 MS. HARRISON: Mr. Fitzgerald, could I  
7 ask you a question about your current position and  
8 association with Windsor Solar One, please?

9 THE WITNESS (Fitzgerald): Yes, of  
10 course.

11 MS. HARRISON: Did you hold a similar  
12 position with the East Windsor Solar One, LLC?

13 THE WITNESS (Fitzgerald): I did, yes.

14 MS. HARRISON: So I presume that means  
15 you were the petitioner for the Connecticut Siting  
16 Council Petition 1426 for the 4.9 megawatt solar  
17 facility on East Road in East Windsor?

18 THE WITNESS (Fitzgerald): Yes, I was.

19 MS. HARRISON: Can you describe some  
20 similarities between that petition and the one  
21 we're discussing today?

22 THE WITNESS (Fitzgerald): Yes. Ms.  
23 Harrison, the land type is quite similar, both  
24 very flat tobacco fields, former tobacco fields,  
25 historical land use. The design is actually

1 significantly different. That project is a fixed  
2 tilt design where the racking is in a east to west  
3 longitudinal orientation and does not track the  
4 sun. It stays in its fixed orientation. And the  
5 design here in Windsor has a tracking array which  
6 has a north to south orientation, and the design  
7 tracks the sun. And the electrical configuration  
8 here in Windsor is, again, significantly different  
9 than that of the design in East Windsor. The  
10 inverters and -- first off, there's more inverters  
11 because the system is larger, and they are located  
12 in a more proximal location to the property lines  
13 and public rights-of-way than they are here in  
14 Windsor.

15 For example, the inverters in the  
16 Windsor Solar One project are located, as James  
17 alluded to earlier, about almost 600 feet away  
18 from off-site residents on River Street. The  
19 inverters in East Solar One, for example, are  
20 located at about 110, 115 feet away from the  
21 public rights-of-way. So while they may seem  
22 similar, the designs are very, very different.

23 MS. HARRISON: So you lead me right  
24 into my next question which I think you have  
25 certainly gotten a good start on. Can you

1 articulate any lessons learned from the East  
2 Windsor project, and how have you implemented them  
3 in this proposed solar facility?

4 THE WITNESS (Fitzgerald): Yes, Ms.  
5 Harrison. This is Bryan Fitzgerald. And what we  
6 have learned and what we have already employed in  
7 this project and other projects that have been  
8 constructed is the design where the inverters and  
9 the pad, for example, the pad that has the  
10 inverters and then the transformers are located at  
11 a distance that is as far as possible away from  
12 not only off-site residences but just the outer  
13 limits of the fenced in project itself. So the  
14 central location in this array, it's not  
15 necessarily central but it's furthest away from  
16 off-site residences on River Street. That was  
17 certainly the biggest lesson learned from a design  
18 perspective was where to locate the inverter bank.

19 Additionally, the technology, the  
20 inverter manufacturer for this Windsor Solar One  
21 project is a different manufacturer and a  
22 different brand that is quieter on the spec sheet  
23 from a decibel rating than the one used in East  
24 Windsor. So those are the two primary lessons  
25 learned. The different technology that is in fact

1 quieter by the spec sheet and designing to locate  
2 that equipment at the furthest possible point, the  
3 most efficient point from off-site residences  
4 which in this case is about 600 feet. And with  
5 the recent noise analysis that was done, one we  
6 feel pretty comfortable about.

7 MS. HARRISON: Thank you. That does  
8 help me understand that there have been lessons  
9 learned.

10 Piggybacking on one of the questions  
11 Ms. Bress asked, I know that you said that, or  
12 someone acknowledged, that they didn't think it  
13 was necessary to put any kind of enclosure around  
14 the pads to prevent a three-sided enclosure. Why  
15 would that not be something you might just do in  
16 this situation even though you've already moved  
17 the pads as far away as possible just as one more  
18 possibility to dampen the noise that everyone  
19 admits comes from those pieces of equipment?

20 THE WITNESS (Fitzgerald): Ms.  
21 Harrison, this is Bryan Fitzgerald. And the  
22 reason we are not planning for that three-sided --

23 ATTORNEY BACHMAN: Unfortunately, Mr.  
24 Morissette, I believe the witness panel has fallen  
25 off the meeting.



1 MR. MORISSETTE: Yes. We'll, let's  
2 give them one minute.

3 THE WITNESS (Parsons): Ms. Bachman,  
4 Mr. Morissette, this is Brad Parsons with Verogy.  
5 Hopefully you can hear me fine. I can just answer  
6 that question again that it was not necessary to  
7 have this three-sided enclosure in this case,  
8 again, due to the fact that the noise study showed  
9 that the mitigation levels are below DEEP  
10 standards, therefore not requiring any additional  
11 noise mitigation beyond that. Additionally, these  
12 inverters are fairly heavy, so when they do need  
13 to be maintained or potentially replaced, you need  
14 to bring in a small utility truck that has the  
15 ability to be able to lift those inverters off of  
16 the racking system as well.

17 MR. MORISSETTE: Thank you, Mr.  
18 Parsons.

19 Attorney Hoffman, can you hear us?

20 ATTORNEY HOFFMAN: Yes, we can.

21 MR. MORISSETTE: Very good. You're  
22 back. Thank you.

23 Ms. Harrison, please continue with your  
24 cross-examination. The witness panel is back.

25 MS. HARRISON: Thank you. That does

1 conclude my questions. Thank you again for your  
2 time and for the opportunity to ask these  
3 questions.

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

6 We'll now continue with  
7 cross-examination of the petitioner on the new  
8 exhibits by the Town of Windsor.

9 Attorney DeCrescenzo, please continue.

10 ATTORNEY DECRESCENZO: Thank you,  
11 Mr. Chairman. Attorney Stefan Sjoberg from our  
12 firm will conduct the cross-examination.

13 MR. MORISSETTE: Thank you. Attorney  
14 Sjoberg.

15 CROSS-EXAMINATION

16 ATTORNEY SJOBERG: Thank you, Mr.  
17 Morissette. For the record, Stefan Sjoberg from  
18 Updike, Kelly & Spellacy representing the Town of  
19 Windsor. I only have a few questions for  
20 cross-examination, but I do want to turn the  
21 witnesses' attention to the visual simulations. I  
22 want to start with the photo that is of the entry  
23 view, the vegetated buffer. Just let me know when  
24 you guys are there.

25 THE WITNESS (Fitzgerald): We're there.

1 Slide 3?

2 ATTORNEY SJOBERG: Yes. First, as a  
3 point of clarification, that was supposed to say  
4 "entry view" instead of "south view"?

5 THE WITNESS (Cerkanowicz): This is  
6 James Cerkanowicz. Yes, that is correct, there  
7 probably was a mislabeling with that third slide.

8 ATTORNEY SJOBERG: Thank you. I know  
9 there's been some discussions that you've had with  
10 the town about adding some additional screening  
11 and vegetation. Just on the record as it pertains  
12 to this entry view, will the petitioner add  
13 additional vegetated screening along the River  
14 Street frontage as part of the final approved plan  
15 in addition to the current layout that is  
16 presented in the photograph?

17 THE WITNESS (Fitzgerald): Mr. Sjoberg,  
18 this is Bryan Fitzgerald. Yes, that's the current  
19 petitioner's plan is to have additional vegetative  
20 landscaping down the southern extent of the array.

21 ATTORNEY SJOBERG: Thank you. And I do  
22 want to move to I believe it's image 6 which is  
23 north view vegetated buffer. It would be the same  
24 question, will the petitioner add additional  
25 screening and plantings along this portion of the

1 site in addition to the plantings that are  
2 currently there?

3 THE WITNESS (Fitzgerald): Mr. Sjoberg,  
4 this is Bryan Fitzgerald. I believe we mentioned  
5 earlier that this was going to be something we  
6 investigate alongside VHB. We want to ensure that  
7 the plan we're putting forth is one that's going  
8 to be successful in growth, as described earlier,  
9 and we definitely want to revisit that and make  
10 sure we're not crowding any trees. And if we can  
11 replace certain shrub species with larger  
12 evergreens, for example, I believe as Ms. Bress  
13 alluded to, then that's something we can  
14 absolutely address here.

15 ATTORNEY SJOBERG: Perfect. Thank you.  
16 I will also move to image number 9 which -- and I  
17 know that you've spoken about this before, but  
18 just for the town's purposes. We're looking at  
19 the south view, the vegetated buffer, again, just  
20 for the record that the petitioner will add  
21 additional plantings on this southern view  
22 extending the screening buffer in addition to the  
23 plantings that are shown in that image as part of  
24 the final approved plan.

25 THE WITNESS (Fitzgerald): Mr. Sjoberg,

1 this is Bryan Fitzgerald. That is correct, the  
2 petitioner will extend the current landscaping  
3 plan to the southern limits of the array.

4 ATTORNEY SJOBERG: Thank you. My final  
5 question is on Figure 5A in the resubmitted site  
6 plan, the revised site plan. I'm looking  
7 specifically to the northern portion of the  
8 equipment pad where there appears to be some solar  
9 arrays that are on top of some trees on that  
10 eastern border where there's that indent. I don't  
11 know if you can see what I'm talking about there.

12 THE WITNESS (Fitzgerald): Yes, we can  
13 see it.

14 ATTORNEY SJOBERG: So it's my  
15 understanding that some folks from Windsor Solar  
16 One had walked the property with town officials  
17 yesterday specifically discussing this site. Just  
18 for the record, prior to construction I wanted to  
19 confirm that the petitioner is willing to  
20 specifically mark or tag trees that would be  
21 removed prior to construction.

22 THE WITNESS (Fitzgerald): Mr. Sjoberg,  
23 this is Bryan Fitzgerald. Yes, that's correct,  
24 the petitioner was on site yesterday, James  
25 Cerkanowicz and myself, and we will commit to

1 tagging trees before they are removed prior to  
2 construction commencing.

3 ATTORNEY SJOBERG: Perfect. Mr.  
4 Morissette, that concludes the cross-examination.

5 MR. MORISSETTE: Thank you, Attorney  
6 Sjoberg.

7 We'll now continue with  
8 cross-examination of the petitioner on the new  
9 exhibits by the Council starting with Mr. Mercier  
10 and followed by Mr. Silvestri.

11 Mr. Mercier, please.

12 CROSS-EXAMINATION

13 MR. MERCIER: Thank you. I just had a  
14 couple questions regarding the revision of the  
15 site layout. Was there any change in the power  
16 output of the facility as a result of the  
17 revision?

18 THE WITNESS (Fitzgerald): Mr. Mercier,  
19 this is Bryan Fitzgerald. There was no change in  
20 the power output as a result of the revisions.

21 MR. MERCIER: For the actual layout  
22 itself was it changed in the vegetated aisle  
23 spacing between the panel rows, was it shrunk or  
24 enlarged in any way, or is it still the same as  
25 the original?

1           THE WITNESS (Fitzgerald): Mr. Mercier,  
2 this is Bryan Fitzgerald. It's still the same as  
3 the original design.

4           MR. MERCIER: Thank you. Regarding the  
5 Natural Diversity Data Base, you know, the box  
6 turtle may occur at the site or in adjacent areas.  
7 I'm looking at the wooded area to the east. If  
8 there was box turtles utilizing that wooded area,  
9 based on existing conditions would they kind of  
10 migrate over and kind of use the existing farm  
11 field that's there or is that not good habitat for  
12 them?

13           THE WITNESS (Shamas): This is Jeff  
14 Shamas with VHB. They will use edge habitat,  
15 their preferred habitat. It can be, some of the  
16 farm field could be used, but obviously during the  
17 active tilling, plowing, harvesting, so on, it  
18 could be a hostile environment for them, and for  
19 most the day they would, at least in the  
20 summertime, they would be along the edge and  
21 looking for shade.

22           MR. MERCIER: Now, if the array was  
23 constructed and there was like a meadow mix put  
24 there, you know, flower mix, meadow mix, would the  
25 box turtle utilize that habitat or would they

1 still use the edge only or predominantly?

2 THE WITNESS (Shamas): It could use the  
3 field where, you know, pollinator species  
4 essentially could be.

5 MR. MERCIER: So if there was sheep  
6 grazing you'd have to lower the fence I think you  
7 previously testified to keep out predators, so  
8 that would preclude box turtles from actually  
9 utilizing the area that could be planted with  
10 meadow mix for sheep food or whatever, sheep  
11 forage.

12 THE WITNESS (Shamas): I'm sorry, was  
13 that a question?

14 MR. MERCIER: Yeah. If there was sheep  
15 grazing you would have to lower the fence down to  
16 the ground to keep out predators. I know you  
17 stated that you might use an agricultural style  
18 fence, but could a box turtle actually go through  
19 an agricultural style fence, is the mesh too  
20 small?

21 THE WITNESS (Shamas): They should be  
22 able to get through.

23 Steve Kochis, if you remind me. I  
24 can't remember exactly how far to the ground the  
25 proposed fence is going to be.



1           THE WITNESS (Kochis): This is Steve  
2 Kochis. So for the sheep grazing I believe on  
3 this project we discussed that it shouldn't be  
4 more than 1 to 2 inches off the ground, and I  
5 think it's currently contemplated that the  
6 agricultural fence would have somewhere between a  
7 4 and a 6 inch grid pattern for the mesh.

8           THE WITNESS (Shamas): So that should  
9 be suitable.

10          MR. MERCIER: Okay. Thank you. I have  
11 no other questions.

12          MR. MORISSETTE: Thank you,  
13 Mr. Mercier. We'll now continue with  
14 cross-examination by Mr. Silvestri followed by Mr.  
15 Nguyen.

16           Mr. Silvestri, good afternoon.

17          CROSS-EXAMINATION

18          MR. SILVESTRI: Good afternoon,  
19 Mr. Morissette. Good afternoon, all. A lot of my  
20 questions actually were posed by the parties and  
21 intervenor, so I only have a few that are left.

22           And let me start out with the question,  
23 are all the racks for the trackers the same size?

24          THE WITNESS (Parsons): Mr. Silvestri,  
25 this is Brad Parsons. No, they are not. Some are

1 what we would consider a three-string length and  
2 some are a two-string length.

3 MR. SILVESTRI: Okay. Because the  
4 reason why I posed that question goes back to  
5 Figure 5s that you have, and I'm trying to figure  
6 out why there are no panels located in the revised  
7 version to the left of the turnaround and also to  
8 the north of where the barns are in that  
9 triangular pattern.

10 THE WITNESS (Parsons): Yes, Mr.  
11 Silvestri. So again, that goes to the length of  
12 the trackers and the distance that we need to  
13 maintain from the fence as well for code issues.  
14 So the panels themselves can't get any closer to  
15 16 to 20 feet from the fence itself per code. So  
16 when you, if you were to take one of those, say,  
17 two-string trackers that are directly adjacent to  
18 where the turnaround is and try and add one or two  
19 more in there, we start to, because of the angle  
20 that that fence comes down -- if you're looking at  
21 it from north to south -- and cuts through there,  
22 as you add another tracker over on that side you  
23 start to violate the clearance between the fence  
24 and the tracker itself from the corner of the  
25 panel to the fence.

1 MR. SILVESTRI: And what is the  
2 distance that you need to maintain between the  
3 panel and the fence?

4 THE WITNESS (Parsons): I believe the  
5 code is 16 feet.

6 MR. SILVESTRI: Very good. Thank you.  
7 Going back to the poles, I know you discussed that  
8 earlier with the parties and intervenors. The  
9 question I have, has any further discussion  
10 occurred with Eversource about possibly using pad  
11 mounts instead of the poles?

12 THE WITNESS (Cerkowicz): This is  
13 James Cerkowicz. We have not had further  
14 discussion with Eversource.

15 MR. SILVESTRI: Thank you for that.  
16 And I think the last question I have is, is there  
17 a reason why the fence does not encompass the  
18 basin? I might have asked that the last time, and  
19 I don't recall so I'll ask it again.

20 THE WITNESS (Kochis): I'll take that.  
21 This is Steve Kochis. It doesn't encompass the  
22 basin because the basin is going to be removed and  
23 decommissioned at the completion of construction.

24 MR. SILVESTRI: So it will then be a  
25 flat area, shall we say?

1 THE WITNESS (Kochis): This is Steve  
2 Kochis again. It would be returned to the grades  
3 that exist there today, so generally flat and  
4 graded to the south of it.

5 MR. SILVESTRI: Okay. Thank you. And  
6 I had a lot of questions about the enhanced  
7 plantings, but those were asked and answered  
8 already. So Mr. Morissette, I'm all set. Thank  
9 you.

10 MR. MORISSETTE: Thank you, Mr.  
11 Silvestri. We'll now continue with  
12 cross-examination of the petitioner on the new  
13 exhibits by Mr. Nguyen followed by Mr.  
14 Golembiewski.

15 Mr. Nguyen, good evening.

16 CROSS-EXAMINATION

17 MR. NGUYEN: Thank you, Mr. Morissette.  
18 Just a very quick follow-up question to  
19 Mr. Parsons. Mr. Parsons, you indicated earlier  
20 that the surrounding residents will be notified  
21 prior to construction activities taking place. Do  
22 you recall that?

23 THE WITNESS (Parsons): Mr. Nguyen,  
24 yes, this is Mr. Parsons. I did make notice that  
25 the petitioner would be willing to let the

1 surrounding parties know about construction, that  
2 is correct.

3 MR. NGUYEN: And the question is how do  
4 you plan to do that or how does the company plan  
5 to do that? And in that contact, how would the  
6 town -- would the town be notified as well?

7 THE WITNESS (Parsons): Yes, Mr.  
8 Nguyen. So we would notify the town as well, and  
9 we can give a couple of different options. One,  
10 we could send notification letters, as we've done  
11 in the past, and then also be updating our website  
12 so that way any parties can have a better  
13 understanding of where we are within the  
14 construction process.

15 MR. NGUYEN: Thank you. That's all I  
16 have, Mr. Morissette.

17 MR. MORISSETTE: Thank you, Mr. Nguyen.  
18 We'll now continue with cross-examination by Mr.  
19 Golembiewski followed by Mr. Carter.

20 Mr. Golembiewski.

21 CROSS-EXAMINATION

22 MR. GOLEMBIEWSKI: Thank you, Mr.  
23 Morissette. I have a few questions. The  
24 intervenors pretty much did a really good job  
25 today.

1 I had a question in regards to the  
2 archeology report that was submitted. Based on my  
3 reading of it, no additional surveys need to be  
4 done except for plantings in I guess what was  
5 considered Locus area 1; is that correct?

6 THE WITNESS (Cerkanowicz): This is  
7 James Cerkanowicz. To the best of my  
8 recollection, I believe that you are correct, that  
9 there was just some consideration that the area  
10 Locus Number 1 at the north end be paid attention  
11 to, so to speak, when the agricultural -- when the  
12 screening plantings are put in that area.

13 MR. GOLEMBIEWSKI: Okay. So no other,  
14 there's no other activities or studies or  
15 evaluations that you need to do other than just  
16 document if you find anything when you essentially  
17 dig, I'm assuming, for the root balls for any  
18 plantings?

19 THE WITNESS (Kochis): This is Steve  
20 Kochis. I'll take that one. So the determination  
21 and the letter from Heritage Consultants regarding  
22 their summation of the field, the Phase 2 field  
23 work, is that no further studies are needed and  
24 that they did not locate anything that they  
25 believed would need to be added to the National

1 Register of Historic Places.

2 MR. GOLEMBIEWSKI: Okay. All right.  
3 So then my next question is on the NDDDB letter.  
4 So as I read it, the main issue is that Damsselfly,  
5 and you will need to hire, I guess, a botanist to  
6 look for its host plants. Is that a correct  
7 understanding of the letter?

8 THE WITNESS (Shamas): Jeff Shamas,  
9 VHB. Yes, that's correct. Because its habitat is  
10 likely 100 to 200 feet off site associated with  
11 the stream corridor, it's likely, you know, not to  
12 occur on the site, but we will be surveying the  
13 site for the NDDDB species that are in that letter.  
14 So whatever is found we'll identify.

15 MR. GOLEMBIEWSKI: Okay. So you're  
16 saying that the likelihood of finding that host  
17 plant within the project limits is highly  
18 unlikely?

19 THE WITNESS (Shamas): Primarily  
20 because the majority of the project limits is  
21 currently farmed and not the rocky, you know,  
22 stream corridor where it likes to perch and look  
23 for prey.

24 MR. GOLEMBIEWSKI: Okay. So I guess my  
25 question to you is the host plant, I didn't see

1 the actual species in the letter. When would you  
2 be able to identify the plant?

3 THE WITNESS (Shamas): We're working on  
4 bringing on the experts to do the surveys to  
5 address all the NDDDB concerns. So my estimation  
6 is, one, it has to be during the growing season,  
7 and whether or not there's a flowering period not  
8 sure yet.

9 MR. GOLEMBIEWSKI: Okay. So then any  
10 construction would be delayed accordingly then to  
11 allow you to do that final botanical work?

12 THE WITNESS (Shamas): Yes, for the  
13 items that are in the NDDDB letter, not just that  
14 one, but also the other ones.

15 THE WITNESS (Kochis): This is Steve  
16 Kochis as well, Mr. Golembiewski. I'll just add  
17 some color there. We will not be able to start  
18 construction without at a minimum having the  
19 Siting Council approvals we need but also the CT  
20 DEEP Stormwater General Permit. And to be able to  
21 be in a position to file for a stormwater general  
22 permit we will need a final determination from the  
23 wildlife division and nothing less. So until we  
24 have done the studies and to the satisfaction of  
25 the wildlife division, we will not be able to even



1 file for a stormwater permit and thus not start  
2 construction.

3 MR. GOLEMBIEWSKI: Okay. But that will  
4 likely occur after this proceeding?

5 THE WITNESS (Kochis): This is Steve  
6 Kochis. I would think due to the statutory time  
7 frames of the Siting Council's action and the  
8 target bloom and flowering periods that that's  
9 correct.

10 MR. GOLEMBIEWSKI: So then for us to --  
11 so we would then need to condition our approval so  
12 that you would, I guess, come up with whatever,  
13 submit a BMP, state listed BMP plan as part, I  
14 would assume, as part of this proceeding. And  
15 would you have any objection to that?

16 THE WITNESS (Fitzgerald): Mr.  
17 Golembiewski, this is Bryan Fitzgerald. We  
18 certainly wouldn't have any objection to that.

19 MR. GOLEMBIEWSKI: Okay. And then my  
20 final question was the, it appears the basin has  
21 been modified and there was calculations  
22 submitted. Was that submitted just to show that  
23 the storage in it met the criteria for the  
24 stormwater quality manual, DEEP's water quality  
25 manual?

1           THE WITNESS (Kochis): Yes. This is  
2 Steve Kochis. That tabulation spreadsheet is to  
3 show the required volume that we would need for  
4 the sediment trap and then displaying what we're  
5 providing based off of the dimensions in the  
6 modeling.

7           MR. GOLEMBIEWSKI: Okay. Great. Thank  
8 you, Mr. Morissette. That's all I had.

9           MR. MORISSETTE: Thank you, Mr.  
10 Golembiewski.

11           Before we move on to Mr. Carter, just  
12 for the record, Dr. Near did view the proceedings  
13 this afternoon. He started around 2:15 and  
14 departed around 4:45.

15           We will now continue with  
16 cross-examination of the petitioner on the new  
17 exhibits by Mr. Carter followed by myself.

18           Mr. Carter, good afternoon.

19           MR. CARTER: Good evening, Mr.  
20 Morissette. Thank you to the panel and thank you  
21 to the petitioners for their wonderful line of  
22 questioning. In fact, I don't have any questions  
23 because the ones I had have been answered, so I  
24 will yield my time. Thank you.

25           MR. MORISSETTE: Very good. Thank you,

1 Mr. Carter.

2 CROSS-EXAMINATION

3 MR. MORISSETTE: I have one question  
4 and it was relating to -- well, actually two  
5 questions. First of all, what is the property of  
6 the site zoned?

7 THE WITNESS (Cerkanowicz): Mr.  
8 Morisette, this is James Cerkanowicz. It is  
9 zoned agricultural.

10 MR. MORISSETTE: Zoned agricultural,  
11 okay. The reason I'm bringing it up is in the  
12 sound study, the sound study compares it to a  
13 Class C industrial. And industrial and  
14 agricultural, are they the same?

15 THE WITNESS (Bajdek): Mr. Morisette,  
16 can I ask for a clarification? Is there a  
17 specific page of the sound study that you'd like  
18 to reference?

19 MR. MORISSETTE: Sure. Page 4, the  
20 Noise Zone Standards on Table 2, call out Class C  
21 Industrial to a Class A Residential as 61 daytime  
22 and 51 nighttime. And if I carry that through to  
23 the conclusions or the analysis, the comparison of  
24 the calculated noise levels are to the industrial  
25 levels. So if I look at Table 5 and 6, daytime

1 noise standards are at 61, so that is -- and the  
2 footnotes actually say, "Noise standard for Class  
3 C emitter and Class A receptor, unless otherwise  
4 noted." Can somebody clarify that for me?

5 THE WITNESS (Bajdek): This is Chris  
6 Bajdek of VHB. We employed the Class C emitter  
7 standard because it's my understanding the use of  
8 this parcel as a solar facility had been  
9 previously on other studies been classified as a  
10 Class C emitter.

11 I will point out, however, that, I  
12 mean, if we were to, if this were classified as  
13 maybe a Class B emitter, which is consistent with  
14 a commercial property of some sort, that, you  
15 know, the standards in the CT DEEP regulations are  
16 lower for a Class B emitter. And according to  
17 what we present in the sound study -- I'm just  
18 trying to find the right location -- the Class B  
19 commercial emitter to a Class A receiver, which is  
20 residential, has a limit of 55. And during the  
21 daytime period and the sound level limits in  
22 Tables 5 and 6 of the sound study report, the  
23 operational noise levels from the project are well  
24 below that Class B emitter to Class A receiver  
25 limit.

1 MR. MORISSETTE: Correct, yes. Even at  
2 the Class B you're still below the limits  
3 associated with the Class B. Okay. Thank you for  
4 that clarification. Do you know what an  
5 agricultural property would be classified as, as a  
6 class? They don't specifically call that out in  
7 the DEEP requirements, I assume.

8 (AUDIO INTERRUPTION)

9 THE WITNESS (Kochis): I'll field that,  
10 Mr. Morissette. This is Steve Kochis. My  
11 personal understanding of it would be that the  
12 agriculture does not have standards or regulations  
13 for much of what they do. And I don't believe  
14 they tie directly to any of the three listed use  
15 classes in the CT DEEP standards.

16 MR. MORISSETTE: Okay. Thank you.

17 THE WITNESS (Bajdek): This is Chris  
18 Bajdek, VHB again. I just happen to have the sum  
19 version of the CT DEEP regulations up, and it  
20 appears that agricultural may be, in the version  
21 I'm looking at, a Class C land use category.

22 MR. MORISSETTE: Okay.

23 THE WITNESS (Bajdek): I don't know if  
24 there is -- yeah, so it appears to be Class C.  
25 But in any case, as we discussed here, that the

1 project would meet the Class B emitter category as  
2 well.

3 MR. MORISSETTE: Yes. Okay. Very  
4 good. Thank you for that clarification. I  
5 appreciate it. That concludes my  
6 cross-examination, and we're going to wrap it up  
7 for today. Thank you everybody for your  
8 participation and all the good questions that were  
9 asked this afternoon.

10 So the Council announces that it will  
11 continue the evidentiary session of this hearing  
12 on April 2, 2024, at 2 p.m., via Zoom remote  
13 conferencing. A copy of the agenda of the  
14 continued evidentiary hearing session will be  
15 available on the Council's Petition Number 1598  
16 webpage, along with the record of this matter, the  
17 public hearing notice, instructions for public  
18 access to the evidentiary hearing session, and the  
19 Council's Citizens Guide to Siting Council  
20 Procedures.

21 Please note that anyone who has not  
22 become an intervenor or a party, but who desires  
23 to make his or her views known to the Council, may  
24 file written statements to the Council until the  
25 public comment record closes.

1                   Copies of the transcript of this  
2 hearing will be filed with the Windsor Town  
3 Clerk's Office for the convenience of the public.

4                   During the next hearing we will have  
5 the appearance by the Town of Windsor, the  
6 appearance of Keith and Lisa Bress, and the  
7 appearance of the grouped resident intervenors.  
8 So that concludes our hearing for this afternoon.

9                   Yes, Attorney Hoffman.

10                  ATTORNEY HOFFMAN: Mr. Morissette, just  
11 by way of clarification, so you do not need the  
12 Windsor Solar One witness panel for the April 2nd  
13 hearing, correct?

14                  MR. MORISSETTE: I don't see any reason  
15 why they need to be available, but I'll ask  
16 Attorney Bachman if she sees any reason why they  
17 need to be available.

18                  Attorney Bachman?

19                  ATTORNEY BACHMAN: There was a request  
20 for a homework assignment to modify the stormwater  
21 or the spill control plan. Yes, we need someone  
22 to verify the new exhibit or the revised exhibit  
23 that is submitted.

24                  ATTORNEY HOFFMAN: Okay. So that can  
25 be one witness to do that, Attorney Bachman, and

1 then go through it because it's just two words  
2 that need to be changed.

3 ATTORNEY DECRESCENZO: Mr. Chairman?

4 ATTORNEY BACHMAN: That's correct,  
5 Attorney Hoffman. Thank you.

6 ATTORNEY HOFFMAN: Thank you.

7 MR. MORISSETTE: Yes, Attorney  
8 DeCrescenzo, is that you?

9 ATTORNEY DECRESCENZO: Yes. Thank you,  
10 Mr. Chairman. There was also a discussion about  
11 willingness to extend some of the landscaping to  
12 the south, I believe, and some other modifications  
13 to the revised site plan. And since the hearing  
14 is left open, it would, it seems to me, provide  
15 the petitioner the opportunity to revise those  
16 plans and show us exactly what they're willing to  
17 do in those areas. I don't want to have witnesses  
18 available for no purpose, but it seems to me since  
19 we do have an open record here getting those  
20 second revised plans into the record would be  
21 helpful.

22 MR. MORISSETTE: Yes, I agree. That is  
23 something -- well, we could do it two ways. We  
24 could have it presented as part of the record here  
25 or we could, if the project is approved, have it



1 filed with the D&M plan.

2 Attorney Bachman, is there any  
3 preference on your end?

4 ATTORNEY BACHMAN: If the petitioner is  
5 able to revise the landscaping plan sheets before  
6 the next hearing and submit them for review, that  
7 would be fantastic. And understanding that  
8 sometimes these maps take a lot of work, if  
9 they're unavailable at that time, we can defer  
10 that to the development and management plan if the  
11 project does in fact get approved. Thank you.

12 ATTORNEY DECRESCENZO: I think, Mr.  
13 Chairman, the town's preference, if it's  
14 acceptable to the petitioner, would be to submit  
15 those during the open record period of the  
16 proceedings. So if it's in the D&M plan it's more  
17 difficult for the town to comment about it. And  
18 if it can be done at this stage, it would be  
19 preferable for the town. And I don't want to put  
20 undue burden on the petitioner, they've been very  
21 cooperative with the town's requests, but perhaps  
22 Mr. Hoffman could comment on that.

23 MR. MORISSETTE: Yes. Thank you.

24 Attorney Hoffman, I tend to agree that  
25 having it part of the record, considering that it

1 is an important matter to the town and the  
2 abutters, it would be helpful to have that filed  
3 prior to the next hearing, if possible.

4 ATTORNEY HOFFMAN: We can file it  
5 before the next hearing, Mr. Morissette.

6 MR. MORISSETTE: Very good. Thank you.  
7 Thank you for that.

8 ATTORNEY DECRESCENZO: Thank you,  
9 Mr. Chairman. And thank you, Mr. Hoffman.

10 MR. MORISSETTE: Very good. I hereby  
11 declare this hearing adjourned. And thank you  
12 everyone for your participation, and we'll see you  
13 a April 2nd at 2 p.m. Thank you. Good evening.

14 (Whereupon, the hearing adjourned at  
15 5:21 p.m.)

1 CERTIFICATE FOR REMOTE HEARING

2  
3  
4 I hereby certify that the foregoing 154 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 March 19, 2024.  
19  
20  
21  
22  
23  
24  
25

*Lisa Warner*

-----  
Lisa L. Warner, CSR 061  
Court Reporter

I N D E X

WITNESSES: (Previously sworn)

JAMES CERKANOWICZ  
BRAD PARSONS  
BRYAN FITZGERALD  
STEVE KOCHIS  
JEFFREY SHAMAS  
CHRIS BAJDEK

ERIK BEDNAREK (Sworn on page 75)

EXAMINERS:

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PETITIONER WINDSOR SOLAR ONE, LLC  
LATE-FILED EXHIBITS, DATED MARCH 7, 2024  
(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-9a	Visual simulations of proposed facility from River Street	11
II-B-9b	Preliminary DEEP NDDB determination letter	11
II-B-9c	Phase 1B cultural resources survey and additional documentation	11
II-B-9d	Revised site plans	11
II-B-9e	Revised project layout, Figures 5 and 5A	11
II-B-9f	Acoustical study	11
II-B-9g	Stormwater report - revised sedimentation basin worksheet	11

\*Exhibits were retained by the Council.