



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

Hearing Program

Petition No. 1609

Tuesday, July 23, 2024

2:00 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer

B. Administrative Notice taken by Council

**FEDERAL**

1. National Institute of Environmental Health Sciences, National Institutes of Health, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at [http://www.niehs.nih.gov/health/materials/electric\\_and\\_magnetic\\_fields\\_associated\\_with\\_the\\_use\\_of\\_electric\\_power\\_questions\\_and\\_answers\\_english\\_508.pdf](http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf)
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5. United States Department of the Interior, National Park Service, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
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11. United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at [https://www.epa.gov/sites/production/files/2015-04/documents/handbook\\_siting\\_repowering\\_projects.pdf](https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf)
12. United States Environmental Protection Agency and National Renewable Energy Laboratory, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at <https://www.nrel.gov/docs/fy13osti/52615.pdf>
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14. United States Department of Agriculture, *Soil Survey Manual, Handbook No. 18*, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
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19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

## **REGIONAL**

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### **Connecticut Siting Council**

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33. Connecticut Siting Council, Petition No. 1424 - DG Connecticut Solar III, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.725-megawatt AC solar photovoltaic electric generating facility located at 1012 East Street, Southington, Connecticut, and associated electrical interconnection. Record and Final Decision, available at [https://portal.ct.gov/csc/3\\_petitions/petition-nos-1421-1430/petition-no-1424-southington-solar-one-llc](https://portal.ct.gov/csc/3_petitions/petition-nos-1421-1430/petition-no-1424-southington-solar-one-llc)
34. Connecticut Siting Council, Petition No. 1589 - USS Somers Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection. July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, available at [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf)
35. Connecticut Siting Council, Petition No. 1558 – Community Power Group LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection. Record and Final Decision, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1501-1600/PE1558](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1558)
36. Connecticut Siting Council, Petition No. 1572 – East Windsor Solar Two, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection. Record and Final Decision, available at [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1501-1600/PE1572](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1572)

37. Connecticut Siting Council, Petition No. 1602 - Glastonbury Solar One, LLC and VCP, LLC d/b/a Verogy, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 17 Wickham Road, Glastonbury, Connecticut, and associated electrical interconnection. January 26, 2024, Department of Energy and Environmental Protection Office of Environmental Review & Strategic Initiatives correspondence related to the classification of solar as industrial for the purposes of noise emissions, *available at* [https://portal.ct.gov/-/media/csc/3\\_petitions-medialibrary/petitions\\_medialibrary/mediapetitionnos1601-1700/pe1602/stateagencycomments/pe1602\\_deep-commentsrecd\\_a.pdf](https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1602/stateagencycomments/pe1602_deep-commentsrecd_a.pdf)

**Department of Energy and Environmental Protection**

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#### **TECHNICAL**

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## **ENVIRONMENTAL**

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87. Connecticut Department of Energy and Environmental Protection, *Connecticut Critical Habitats Interactive Map*, available at <https://ct-deep-gis-open-data-website-ctdeep.hub.arcgis.com/datasets/critical-habitats/explore?location=41.654537%2C-72.831884%2C16.73>

88. Connecticut Forest & Park Association, *Blue-Blazed Hiking Trails Interactive Map*, available at <https://www.ctwoodlands.org/blue-blazed-hiking-trails/blue-blazed-hiking-trails-interactive-map>
89. National Audubon Society, *Connecticut Important Bird Areas Interactive Map*, available at [https://gis.audubon.org/portal/apps/sites/?\\_gl=1\\*jvotz7\\*\\_ga\\*MjEzOTE0NjgxNi4xNjcxMTM0NzA4\\*\\_ga\\_X2XNL2MWTT\\*MTY4MTI0NTQ2NC4zLjEuMTY4MTI0NTU0MS41My4wLjA.#/nas-hub-site/pages/data-review](https://gis.audubon.org/portal/apps/sites/?_gl=1*jvotz7*_ga*MjEzOTE0NjgxNi4xNjcxMTM0NzA4*_ga_X2XNL2MWTT*MTY4MTI0NTQ2NC4zLjEuMTY4MTI0NTU0MS41My4wLjA.#/nas-hub-site/pages/data-review)
90. Connecticut Department of Transportation - Connecticut Official State Maps, available at [https://portal.ct.gov/DOT/PP\\_Bureau/Documents/Maps](https://portal.ct.gov/DOT/PP_Bureau/Documents/Maps)
91. Mail-A-Map Street Map, Manchester, available at [http://mailamap.com/street\\_maps](http://mailamap.com/street_maps)
92. United States Geological Survey, National Map Viewer, available at <https://apps.nationalmap.gov/viewer/>
93. Connecticut Department of Energy and Environmental Protection, State Park and Forests Interactive Map, available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=%7C>
94. Connecticut Department of Energy and Environmental Protection, 2022 Forest Action Plan Priority Areas Map, available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=d4d74b090d8047ca80bb4b9ff6baa819>

C. State Agency comments

1. Council on Environmental Quality Comments, dated March 1, 2024

D. Municipal comments

1. Town of Bolton Request for Public Hearing, dated March 6, 2024
2. Town of Bolton Comments, April 24, 2024
3. Town of Manchester Board of Directors Comments, May 2, 2024

E. Public Official comments

1. State Representative Jason Doucette, dated March 1, 2024
  2. State Representative Steve Weir Comments, dated March 6, 2024
  3. Manchester Legislative Delegation, dated March 11, 2024
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II. Appearance by Petitioner: TRITEC Americas, LLC (**TRITEC**)

Representative: Paul R. Michaud, Esq.  
Bernadette Antaki, Esq.  
Dylan J. Gillis, Esq.  
Michaud Law Group LLC

A. Administrative Notice.

1. Letter from Christopher Martin, State Forester, Department of Energy and Environmental Protection, Bureau of Natural Resources, dated June 27, 2024, regarding the Connecticut DEEP Forestland Habitat Impact Map *available at* <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=7b81844bab634281b544c20bf2d77fb8>

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by TRITEC Americas, LLC, received January 26, 2024, and attachments.
2. Petitioner Responses to Council Interrogatories, Set One, dated April 23, 2024
3. Petitioner Pre-Filed Testimony of Howie Reed with attached resume, received April 30, 2024
4. Petitioner Pre-Filed Testimony of Kevin Solli, Eric LaBatte, and Cameron Hendry with attached resumes, received April 30, 2024
5. Petitioner Pre-Filed Testimony of Bill Kenny, Alexander Wojtkowiak and Jackson Smith with attached resumes, received April 30, 2024
6. Pre-Filed Testimony of Warren Horton, received April 30, 2024
7. Petitioner Presentation Site Plan Layout Sheet 2.11, received May 2, 2024
8. Petitioner Sign Posting Affidavit, dated May 2, 2024
9. Petitioner Responses to Town of Manchester Interrogatories, dated May 7, 2024
10. Petitioner Responses to Rachel and Dana Schnabel Interrogatories, dated May 7, 2024
11. Petitioner Responses to Manchester Advocates for Responsible Solar Development Interrogatories, dated May 7, 2024
12. Petitioner Responses to Raymond Welnicki Interrogatories, dated May 7, 2024
13. Petitioner Supplemental Filing – Geotechnical Engineering Report, dated May 7, 2024
14. Petitioner Late-Filed Submission, dated May 7, 2024
  - a. Viewshed Profiles and Analysis from the abutting properties to the East
  - b. Revised Noise Analysis to account for the correct location of the inverters and inclusion of the tracker system
  - c. Spill Response and Prevention Plan that includes protocols for transformer spills and the identification of the construction vehicle refueling area
  - d. Recalculation of the acreage of post-development core forest to include 300-foot buffers from developed areas with an associated map
  - e. A map indicating what areas of the host parcel were historically used for agricultural purposes
  - f. Culvert Openness Ratio for the proposed access drive wetland crossing
  - g. Revised Site Plan Sheet with proposed access slopes at 1.5 to 1 in the vicinity of the wetland crossing, and a calculation of the associated reduced wetland impact
  - h. An East-West profile detail of the solar array on proposed grades
15. Petitioner Late-Filed Submission - Revised project map overlayed on DEEP's Forestland Habitat Impact Mapping tool, received July 19, 2024.

C. Swear Witnesses

1. Howie Reed, Chief Operating Officer, TRITEC Americas, LLC
2. Kevin Solli, P.E., Principal, Solli Engineering, LLC
3. Cameron Hendry, Assistant Project Manager, Solli Engineering, LLC
4. Eric LaBatte, Director of Operations, Solli Engineering, LLC
5. Bill Kenny, Principal, William Kenny Associates
6. Alexander Wojtkowiak, Soil Scientist, William Kenny Associates
7. Warren Horton, President/Member, Horton Electrical Services, LLC and Squirrel Enterprises, Inc.

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

E. Cross Examination.

1. Council
2. Town of Manchester
3. Rachel and Dana Schnabel
4. Manchester Advocates for Responsible Solar Development
5. Raymond Welnicki

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III. Appearance by Party: Town of Manchester (**TOWN**)

Representative: John F. Sullivan, Esq.  
Manchester Corporation Counsel

A. Administrative Notice.

1. Connecticut's 2020 Forest Action Plan
2. Connecticut Department of Energy and Environmental Protection Fact Sheet - Permit Information for Solar Projects
3. Ernst Seeds Price Quote, dated April 22, 2024
4. Leavenworth, J. (2023) '5,200 Solar Panels Will Save Manchester \$100,000 Each Year' *The CT Insider*, published December 13, 2024

B. Exhibits for Identification.

1. Town of Manchester Planning and Zoning Commission Comments and Request for Public Hearing, dated March 5, 2024
2. Town of Manchester Comments and Request for Public Hearing, dated March 6, 2024
3. Town of Manchester Request for Party Status, dated April 9, 2024
4. Town of Manchester Pre-Filed Testimony, received April 25, 2024
  - a. 1997 Denied Application Files (W-103 – 250 Carter Street)
  - b. 1934 UCONN Air Photo Archive with Subject Site Approximate Location Identified
  - c. Town of Manchester Inland Wetlands and Watercourses Regulations, effective January 3, 2014
  - d. Town of Manchester Zoning Regulations, effective April 18, 2017

- e. Manchester NEXT Plan of Conservation and Development, effective July 12, 2023
  - f. 'Buckley Elementary School Attains First Net Zero Energy Verification' *The Town of Manchester*, published January 23, 2024
  - g. Video of Water from Seep at Amanda Drive
  - h. Resident Comments Submitted to Town Planning and Zoning Commission, received February 21, 2024
5. Town of Manchester Pre-Hearing Submission, dated April 30, 2024
    - a. Aerial Drone View of the Proposed Project Site and Surrounding Residences
    - b. Pre-Filed Testimony of Megan Pilla, dated April 25, 2024
      - b.1 Town of Manchester Topographical Map, dated May 7, 2024
    - c. Pre-Filed Testimony of David Laiuppa, dated April 25, 2024
  6. Town of Manchester Late-File Position Statement regarding Permanent Conservation Easement and Collaborative Decommissioning Plan, dated July 16, 2024

C. Swear Witnesses

1. Megan Pilla, Principal Development Planner, Town of Manchester
2. David Laiuppa, Environmental Planner, Town of Manchester

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

E. Cross Examination.

1. Council
2. Petitioner
3. Rachel and Dana Schnabel
4. Manchester Advocates for Responsible Solar Development
5. Raymond Welnicki

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IV. Appearance by Intervenors: Rachel and Dana Schnabel **(SCH)**

Representative: Rachel Schnabel

A. Administrative Notice.

1. Guideline - Assessing Fire Risks in Photovoltaic Systems and Developing Safety Concepts for Risk Minimization, June 2018
2. International Energy Agency Photovoltaic Power Systems Programme, Report IEA-PVPS T13-01:2014, Subtask 3.2: Review of Failures of Photovoltaic Modules
3. International Journal of Environmental Research and Public Health, Review Neurobehavioral Alterations from Noise Exposure in Animals: A Systematic Review
4. Department of Health and Human Services, National Institute for Occupational Safety and Health Pocket Guide to Chemical Hazards, September 2007
5. Fire, MDPI, Thermal Hazard and Smoke Toxicity Assessment of Building Polymers Incorporating TGA and FTIR - Integrated Cone Calorimeter Arrangement, 2022

B. Exhibits for Identification.

1. Rachel and Dana Schnabel Request for Intervenor Status, dated April 17, 2024

2. Schnabel Pre-Filed Testimony, 05/07/24 and attachments:
  - A-1. Photographs of Surrounding Neighborhood
  - A-2. Wildlife
  - B-1. Blue Ridge Drive Plans
  - B-2. Obituaries of U&R Housing Corp. Founders
  - B-3. Preservation Award
  - B-4. Case Brothers-Highland Park Historic District Map
  - C-1. Shenipsit Trail Map
  - C-2. Barlow, S. (2008) A Pioneer in Manchester, Connecticut Woodlands, Spring
  - C-3. Shenipsit Trail End-to-End Run, Shenipsit Striders
  - D-1. National Transportation Safety Board Reports
  - E-1. Transformer Mineral Oil Safety Data Sheet
  - F-1. Smoke Gas Toxicity
  - G-1. CT Cold Water Stream Habitat Map
  - G-2. CT Stream Flow Classifications Map
  - G-3. DEEP Fact Sheet: Modifications regarding Activities within Cold Water Stream Habits

C. Swear Witness

1. Rachel Schnabel
2. Dana Schnabel

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

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Manchester
4. Manchester Advocates for Responsible Solar Development
5. Raymond Welnicki

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V. Appearance by Intervenor: Manchester Advocates for Responsible Solar Development (**MARSD**)

Representative: Rosemary Carroll

A. Administrative Notice.

B. Exhibits for Identification.

1. Pre-filed Testimony of Rosemary Carroll, dated February 15, 2024
2. Manchester Advocates for Responsible Solar Department Request for Intervenor Status, dated April 17, 2024
3. Manchester Advocates for Responsible Solar Department Additional Pre-Filed Testimony of Rosemary Carroll, dated April 25, 2024

4. Manchester Advocates for Responsible Solar Development Videos (4) of drainage on Amanda Drive
5. Manchester Advocates for Responsible Solar Development Response to Petitioner Interrogatories, May 7, 2024

C. Swear Witnesses

1. Rosemary Carroll

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

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Manchester
4. Rachel and Dana Schnabel
5. Raymond Welnicki

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VI. Appearance by Party: Raymond Welnicki (**WEL**)

Representative: Raymond Welnicki

A. Administrative Notice.

B. Exhibits for Identification.

1. Raymond Welnicki Pre-Filed Testimony, dated March 1, 2024
2. Raymond Welnicki Request for Party Status, dated April 4, 2024
3. Raymond Welnicki Request for Party Status Supplemental Information, dated April 25, 2024
4. Raymond Welnicki Additional Pre-Filed Testimony, Part One, dated April 25, 2024
5. Raymond Welnicki Additional Pre-Filed Testimony, Part Two, dated April 25, 2024
6. Raymond Welnicki Additional Pre-Filed Testimony, Part Three, dated May 7, 2024

C. Swear Witnesses

1. Raymond Welnicki

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

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Manchester
4. Rachel and Dana Schnabel
5. Manchester Advocates for Responsible Solar Development

VII. Continuation by Connecticut Siting Council.