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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**TRITEC AMERICAS, LLC
PETITION 1609
HEARING DAY 2**

The following pages are representative of a hearing, before Elisa Ferraro, Court Reporter, License 233, via Teleconference on Tuesday, May 21, 2024, commencing at 2:00 p.m.

**HELD BEFORE: JOHN MORISSETTE, Presiding Officer of
Connecticut Siting Council**

1 A P P E A R A N C E S:

2 VIA ZOOM

3
4 CONNECTICUT SITING COUNCIL
5 10 Franklin Square
6 New Britain, Connecticut 06051

7 Members:

8 Brian Golembiewski
9 Quat Nguyen
10 Robert Silvestri
11 Chance Carter
12 Khristine Hall

13 Staff:

14 Melanie Bachman
15 Robert Mercier
16 Dakota LaFountain

17 MICHAUD LAW GROUP
18 515 Centerpoint Drive, Suite 503
19 Middletown, Connecticut 06457
20 BY: PAUL MICHAUD, ESQUIRE
21 [For the Petitioner TRITEC AMERICAS, LLC]

22
23 Also Present: Town of Manchester - John F. Sullivan, Esq.
24 Interveners - Rachel and Dana Schnabel, Rosemary Carroll
25 Party - Raymond Welnicki

Witnesses: Megan Pilla and David Laiuppa

Transcript Legend

- 1
- 2
- 3 [sic] - Exactly as said.
- 4 [phonetic] - Exact spelling not provided.
- 5 [--] - Break in speech continuity
and/or interrupted sentence.
- 6
- 7 [...] - Indicates omission of word[s]
when reading OR trailing off
and not finishing a sentence.
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1 [On the record 2:00 p.m.]

2
3 HEARING OFFICER MORISSETTE: Good
4 afternoon ladies and gentlemen. Can everybody
5 hear me okay? This continued evidentiary
6 hearing is called to order this Tuesday, May
7 21, 2024 at 2:00 p.m. My name is John
8 Morissette, member and presiding officer of the
9 Connecticut Siting Council. If you haven't
10 done so already, I ask that everyone please
11 mute their computer audio and telephones now.
12 A copy of the prepared agenda is available on
13 the Council's petition number 1609 web page,
14 along with the record of this matter the public
15 hearing notice and instructions for public
16 access to this public hearing and the Council's
17 Citizens Guide to Siting Council's procedures.
18 Other members of the Council are Mr. Silvestri,
19 Mr. Nguyen, Mr. Golembiewski, Dr. Nair,
20 Mr. Carter and Miss Hall.

21 Members of the staff are Executive
22 Director Melanie Bachman, Siting Analyst Robert
23 Mercier and Administrative Support Dakota
24 LaFountain.

25 This evidentiary session is a continuation

1 of the public hearing held on May 2, 2024 and
2 is held pursuant to the provisions of Title XVI
3 of the Connecticut General Statutes and of the
4 Uniform Administrative Procedure Act, upon a
5 petition from TRITEC Americas, LLC for a
6 declaratory ruling pursuant to Connecticut
7 General Statutes §4-176 and §16-50k for the
8 proposed construction, maintenance and
9 operation of a 0.999-megawatt AC solar
10 photovoltaic electric generating facility
11 located at 250 Carter Street in Manchester,
12 Connecticut and the associated electrical
13 interconnection.

14 A verbatim transcript will be made
15 available of this hearing and deposited at the
16 Manchester Town Clerk's office for the
17 convenience of the public. The Council will
18 take a 10- to 15-minute break at a convenient
19 juncture at around 3:30 p.m.

20 We will now continue with the appearance
21 of the Town. Due to the unavailability of
22 TRITEC's witnesses, the hearing shall commence
23 with the Town of Manchester with
24 cross-examination by the Council, petitioner,
25 and other parties and interveners, followed by

1 appearance of the other parties and interveners
2 for cross-examination in the order on the
3 hearing program.

4 Will the Town present its witness panel
5 for the purposes of taking the oath. We will
6 have Attorney Bachman administer the oath.

7 Attorney Sullivan, good afternoon.

8 MR. SULLIVAN: Good afternoon, Mr.
9 Morissette. Good afternoon, members of the
10 Council and everyone else watching. I'm John
11 Sullivan. I'm the assistant town attorney of
12 Manchester and this afternoon is our town's
13 witnesses. We are going to present two, Megan
14 Pilla and Dave Laiuppa, prepared to take the
15 oath.

16 HEARING OFFICER MORISSETTE: Ms. Bachman,
17 please administer the oath.

18 [Whereupon, All Witnesses, having first
19 been duly sworn, were examined and testified as
20 follows:]

21 HEARING OFFICER MORISSETTE: Thank you,
22 Attorney Bachman. Attorney Sullivan, please
23 begin by verifying all exhibits by the
24 appropriate sworn witnesses.

25 MR. SULLIVAN: In the hearing program

1 today, we've asked apparently a four-part item
2 must be taken with administrative notice. The
3 first one would be Connecticut's 2024 Action
4 Plan. It's part of Miss Pilla's testimony, so
5 Miss Pilla, you reviewed this exhibit?

6 MS. PILLA: Yes.

7 MR. SULLIVAN: And Exhibit B is part of
8 your testimony?

9 MS. PILLA: Yes.

10 MR. SULLIVAN: And you researched this
11 plan?

12 MS. PILLA: Yes.

13 MR. SULLIVAN: Is the copy attached true
14 and accurate from the original source?

15 MS. PILLA: Yes.

16 MR. SULLIVAN: I'd offer that.

17 HEARING OFFICER MORISSETTE: Attorney
18 Sullivan, are you going to go through all the
19 exhibits?

20 MR. SULLIVAN: Yes, I could do that.

21 HEARING OFFICER MORISSETTE: Please do.

22 MR. SULLIVAN: You'd prefer it that way --

23 HEARING OFFICER MORISSETTE: Yes.

24 MR. SULLIVAN: -- than offer them as a
25 group?

1 HEARING OFFICER MORISSETTE: Yes, please.

2 MR. SULLIVAN: Sure. The second item of
3 the administrative notice is the Connecticut
4 Department of Energy and Environment Protection
5 Fact Sheet Permit Information for Solar
6 Projects. Miss Pilla, would you verify where
7 you found that?

8 MS. PILLA: I found through --

9 COURT REPORTER: I cannot hear her. I'm
10 the court reporter, and I don't see her.

11 MR. SULLIVAN: She's in the lower
12 left-hand corner on the first page.

13 COURT REPORTER: I cannot hear her.

14 MR. SULLIVAN: Okay. We're going to turn
15 her microphone on. We're in the same room. If
16 there's any feedback, we'll deal with it.

17 MS. PILLA: Can you hear me now.

18 COURT REPORTER: Now I can.

19 HEARING OFFICER MORISSETTE: Attorney
20 Sullivan, we don't need verification of the
21 administrative notice. If you could just
22 identify them, then we will consider them for
23 administrative notice.

24 MR. SULLIVAN: The first one we went
25 through, the Connecticut 2024 Action Plan. The

1 second item Connecticut Department of Energy
2 and Environmental Protection Fact Sheet Permit
3 information for Solar Projects. The third one
4 would be Earth See Price Quote, dated April 22,
5 2024. And the fourth one is an article by
6 reporter Jesse Leavenworth for the Connecticut
7 Insider, published December 13, 2024, entitled
8 5,200 Solar Panels will save Manchester
9 \$100,000 each year.

10 HEARING OFFICER MORISSETTE: Thank you.
11 We will follow up with the exhibits, but first,
12 does any party or any intervener object to the
13 admission of the Town of Manchester's
14 administrative notices?

15 Attorney Michaud?

16 MR. MICHAUD: No.

17 HEARING OFFICER MORISSETTE: Rachel
18 Schnabel?

19 MS. SCHNABEL: No, Mr. Morissette.

20 HEARING OFFICER MORISSETTE: Thank you.
21 Rosemary Carroll?

22 MS. CARROLL: No.

23 HEARING OFFICER MORISSETTE: Thank you.
24 Raymond Welnicki? Mr. Welnicki?

25 MR. WELNICKI: No.

1 HEARING OFFICER MORISSETTE: Very good.

2 Thank you. Attorney Sullivan, please continue
3 with the exhibits.

4 MR. SULLIVAN: Subsection E, exhibit for
5 identification, number one, the Town of
6 Manchester Planning & Zoning Commission
7 comments and request for public hearing, dated
8 March 5, 2024. Miss Pilla identified with that
9 exhibit is where you got it from?

10 MS. PILLA: Yes. Sorry. Okay.

11 HEARING OFFICER MORISSETTE: Please
12 continue.

13 MS. PILLA: I'm sorry, we're having audio
14 issues. Is that better?

15 HEARING OFFICER MORISSETTE: Yes.

16 MS. PILLA: So, yes, this was a
17 compilation of the comments we've received.
18 Excuse me. The first one is the compilation of
19 comments we received from the public at a
20 public hearing of the Planning and Zoning
21 Commission, along with the Commission's request
22 for a public hearing.

23 HEARING OFFICER MORISSETTE: Attorney
24 Sullivan, maybe we could expedite this a little
25 bit if you could just have each of your

1 witnesses identify what exhibit numbers that
2 they provided input to. We can have them
3 verify in that fashion.

4 MR. SULLIVAN: Okay. So, Miss Pilla, were
5 you involved with Exhibits 1, 2, 3, 4A, 4B, 4C,
6 4D, 4E, 4F, 4G and 4H?

7 MS. PILLA: Yes.

8 MR. SULLIVAN: Same for 5A, B, C -- not
9 5B, 5B1?

10 MS. PILLA: Yes.

11 MR. SULLIVAN: I'd offer those as
12 exhibits. So, also go to 5C. We filed
13 testimony, David Laiuppa, sir, were you
14 involved with that?

15 MR. LAIUPPA: Yes.

16 MR. SULLIVAN: Is that your testimony
17 still today?

18 MR. LAIUPPA: There are two minor
19 corrections on 5C.

20 MR. SULLIVAN: What are those corrections,
21 sir?

22 MR. LAIUPPA: On the first page, it says
23 Prefiled testimony of Meg Pilla. That should
24 say David Laiuppa. And under Q10 on the last
25 paragraph, I mistakenly wrote southwest. The

1 second to last sentence, Southwest should say
2 southeast. Northeast should say southwest.
3 The last sentence, the same, Southwest should
4 say southeast and northeast should say
5 northwest.

6 MR. SULLIVAN: I offer these exhibits as
7 full exhibits, if it please the Council.

8 HEARING OFFICER MORISSETTE: Thank you,
9 Attorney Sullivan. Did your witnesses provide
10 these exhibits as being true and accurate to
11 the best of their knowledge?

12 MR. SULLIVAN: Yes.

13 MR. LAIUPPA: Yes.

14 MS. PILLA: Yes.

15 HEARING OFFICER MORISSETTE: Very good.
16 Thank you. Does any party or intervener object
17 to the admission of the Town of Manchester's
18 exhibits?

19 Attorney Michaud?

20 MR. MICHAUD: Mr. Morissette, as
21 corrected, no, we don't.

22 HEARING OFFICER MORISSETTE: Rachel
23 Schnabel?

24 MS. SCHNABEL: No, Mr. Morissette.

25 HEARING OFFICER MORISSETTE: Thank you.

1 Rosemary Carroll?

2 MS. CARROLL: No, Mr. Morissette.

3 HEARING OFFICER MORISSETTE: Thank you.

4 Raymond Welnicki?

5 MR. WELNICKI: No, Mr. Morissette.

6 HEARING OFFICER MORISSETTE: Thank you.

7 Very good. The exhibits are hereby admitted.

8 I'll begin with cross-examination of the
9 Town of Manchester by the Council, starting
10 with Mr. Mercier, followed by Mr. Silvestri.

11 Mr. Mercier, good afternoon.

12 MR. MERCIER: Good afternoon. Thank you.

13 I'm going to begin by reviewing some of the
14 prefiled testimony filed, specifically the
15 prefiled testimony of Mr. Laiuppa at April 25,
16 2024. I'll go right to page three of the
17 document, beginning with question 12 and
18 questions all be answered on page four and it
19 continues on from there. One of the first
20 questions I have has to do with item one on
21 page four, which states Habitat Impacts. As
22 the record shows, there's core forest at the
23 site. My question is, does the town have any
24 regulations in place to prevent the development
25 of core forest on privately owned parcels?

1 MR. LAIUPPA: The Town of Manchester does
2 not have any regulations regarding core
3 forests.

4 MR. MERCIER: Do town regulations limit
5 the amount of tree clearing when a property is
6 developed outside of a wetland buffer zone?
7 Are there any type of restrictions typically or
8 is it just the developing say housing
9 development that can chop trees down as they
10 need to build the home or --

11 MR. LAIUPPA: In addition to the wetland
12 regulations, the limiting factor would be
13 clearing of lands over half acre would require
14 an erosion sedimentation control permit or
15 certification.

16 MR. MERCIER: Thank you. Move down to
17 item number three. This is Regional
18 Recreational Asset Impact. Page four,
19 continued on page five. The Shenipsit Trail
20 does go through the parcel on the western side,
21 mostly. Is that hiking trail in any way
22 protected by a town-owned easement or other
23 type of easement say from another entity, or is
24 the trail there just at the discretion of the
25 landowner?

1 MR. LAIUPPA: There is an easement in
2 place. I don't recall what type of easement it
3 is.

4 MS. PILLA: Gas.

5 MR. LAIUPPA: It follows an existing gas
6 easement in portions of the trail.

7 MR. MERCIER: Right. But even though it's
8 a gas easement, it's still on private property;
9 correct?

10 MR. LAIUPPA: Correct.

11 MR. MERCIER: So the trail itself, there's
12 no easement specific to the trail. I
13 understand there's a gas line but --

14 MR. LAIUPPA: There's no records. There's
15 no public records of easements. I can't speak
16 to any private or non town registered easements
17 that may have taken place between the property
18 owner and the regional trail -- Connecticut
19 Forest and Park Association. It's just a
20 trail.

21 MR. MERCIER: Thank you. Moving on, page
22 five still. Item number two on page five is a
23 site runoff. And in part A of that answer, in
24 the middle towards the end of the second
25 sentence, it mentions an Emergency Action Plan

1 for Sediment Relief. I'm trying to understand
2 if you want to elaborate as to what the
3 emergency action plan would be, what type of
4 elements would it contain?

5 MR. LAIUPPA: In the event of a
6 catastrophic failure of the emergency
7 sedimentation controls, there should be a plan
8 in place that will mobilize personnel in charge
9 that can quickly and effectively address the
10 problem. So these are things that should be
11 picked up by the site inspector and upon
12 inspection or revelation of any failures, there
13 should be mobilization of crew basically to fix
14 those issues and address them so that there's
15 no contamination to regulated resources or
16 offsite properties.

17 MR. MERCIER: Okay. If there's a
18 subdivision in town, if it's say over five
19 acres, would the town have jurisdiction over
20 the erosion control plan or does that go
21 through a DEEP general permit process?

22 MR. LAIUPPA: If the state has a -- if
23 DEEP has a construction general permit, it
24 would be under their purview, although the town
25 will also have an erosion sedimentation control

1 certification for the project. So all the
2 town -- the state has final jurisdiction. The
3 town still has certification over the project.

4 MR. MERCIER: When you say certification,
5 you're just stating that the town has to insure
6 certain requirements are there and followed; is
7 that correct?

8 MR. LAIUPPA: Correct.

9 MR. MERCIER: Part of that would be the --
10 for the town's sake emergency action plan for
11 sediment relief?

12 MR. LAIUPPA: Yes.

13 MR. MERCIER: Thank you. Staying on page
14 five, I'm going to go to part three,
15 Unaccounted Impacts Due Existing Condition.
16 This basically has the stormwater versus
17 groundwater heading. Number two in there, my
18 question is, for a raw land development
19 application submitted to the town, does the
20 town require some sort of vegetative
21 groundwater uptake analysis?

22 MR. LAIUPPA: No. That comment was made
23 to account for the comments in the application
24 that spoke to stormwater runoff. So this
25 comment was made so that there would be also

1 consideration that there's no vegetative uptake
2 of groundwater, but there's no written
3 requirements in the town for that.

4 MR. MERCIER: I guess related to that, did
5 you have the ability to examine the stormwater
6 report submitted for the project, which was
7 revised due to a revision of a swale? Did you
8 have the opportunity to review the post region
9 stormwater report prepared for the project?

10 MR. LAIUPPA: I did review it. I will
11 admit I don't fully submerge myself in the
12 hydraulics on that or the hydrology of that.
13 That's out of my realm of expertise. So my
14 comments are on more a general basis than
15 specific to numbers basis.

16 MR. MERCIER: Thank you. I'm going to
17 move to the prefiled testimony of Miss Pilla,
18 and going through to page number 10. It was at
19 the end of question 23, What changes do you
20 suggest? And your answer was, There are three
21 items that you'd like to see addressed or
22 accounted for. Number one, it stated that
23 you'd like to petitioner to be responsible for
24 the costs of any future repairs to municipal
25 infrastructure that may be necessary as a

1 result of the hydrological impacts of the
2 project. What exactly do you mean by this
3 statement, what impacts are anticipated?

4 MS. PILLA: Specifically referring to any
5 potential impacts on the pavement and storm
6 system on Amanda Drive at the location where
7 the known seep discharges quite a bit of water
8 on a constant basis, which was shown in the
9 video recording that I submitted as an exhibit.
10 And my concern there is that currently already
11 is constantly flowing and if there were to be
12 any increase in flow, my concern for municipal
13 infrastructure is one, the potential to
14 undermine the pavers and cause erosion that
15 would require, particularly on the sidewalk,
16 repairs. And number two, the catch basin that
17 is directly adjacent, any potential extra
18 maintenance required to either keep that clear
19 and clean or if there were any --
20 hypothetically any damage to it as a result of
21 increased flow from that seep.

22 MR. MERCIER: I was looking at the seep
23 video. Can you provide me an address as to
24 where that was? I saw a house off to the left
25 side of the video. I don't know what house

1 number that was. Do you? I'm not sure.

2 MS. PILLA: Yes. If you wouldn't mind
3 giving me just a moment to refer to the map to
4 make sure I give you the right house number.
5 That would have been in front of 141 Amanda
6 Drive.

7 MR. MERCIER: Thank you. For number two
8 of page 10, your recommendations, it talks
9 about financial compensation for the loss of
10 small core forest. Does the town typically
11 require compensation for trees lost during
12 development in other areas of town by private
13 entities?

14 MS. PILLA: Typically we do not. My
15 thought in this case is typically if there's
16 either an as-of-right development or a
17 development that's received some sort of
18 approval, some sort of municipal approval
19 either by special exception or whathaveyou,
20 through the town, those are activities.
21 Usually they're approved based on consistency
22 with our Plan of Conservation and Development.
23 Apologies. Our Plan of Conservation and
24 Development, which identifies areas that are
25 specifically intended to be either more

1 developed or more conserved for environmental
2 purposes. In this case, since this project
3 isn't being reviewed on that basis for
4 consistency with our Plan of Conservation and
5 Development, for that reason, and also for the
6 reason that it's not a permanent development.
7 So typically when we're looking at
8 developments, they're housing or some sort of
9 structure that's permanent, whereas in this
10 case we're talking about deforestation for a
11 project that has a specific set lifespan. So
12 with those two kind of differences from what we
13 would normally see, to me, it is a loss of a
14 large portion of forest for a temporary period,
15 which is conflicting with our Plan of
16 Conservation and Development. And in a highly
17 developed community like Manchester where we
18 don't have a lot of large tracts of forest
19 remaining, it's a significant loss. That's the
20 reason for my suggestion.

21 MR. MERCIER: Given that this parcel zone
22 is rural residential and if it weren't
23 developed for housing, what's the lot size for
24 rural residential?

25 MS. PILLA: In rural residential, the

1 minimum lot size is 30,000 square feet.

2 MR. MERCIER: So if several homes are
3 developed on this parcel let's say in the
4 future, that of the project, the core forest
5 would be fragmented; correct?

6 MS. PILLA: Yes.

7 MR. MERCIER: So would the town -- for
8 rural residential type developments, does the
9 town look for this type of funding mitigation
10 for trees?

11 MS. PILLA: No, normally we would not.
12 Like I said, because for the purpose of housing
13 be creating permanent housing on four members
14 of the community as opposed to a project with a
15 25-year lifespan.

16 MR. MERCIER: Thank you. Going back to
17 that seep video, I looked at the sidewalk and
18 it's kind of inundated right now, has the town
19 ever tried to renovate the situation by raising
20 the sidewalk and putting some pipes under the
21 sidewalk or anything of that nature?

22 MS. PILLA: Not that I'm aware of, no.

23 MR. MERCIER: Was the seep problems caused
24 by construction of Amanda Drive development
25 initially?

1 MS. PILLA: I believe it was, although
2 without having data from before that
3 subdivision, I don't think I can say
4 100 percent before, but my suspicion is that it
5 was.

6 MR. MERCIER: Thank you. One final
7 question, that development along Amanda Drive,
8 are they served by private wells or is that a
9 public drinking water pipe system? Do you
10 know?

11 MS. PILLA: Um -- that I believe -- sorry,
12 I'm looking at my map again. I believe those
13 are private wells. I'm trying to pull up GIS
14 and make sure I say the right thing. Almost
15 there. No. I apologize, I did say the wrong
16 thing. On Amanda Drive, there is public water.

17 MR. MERCIER: Thank you. Going back to
18 that seep video again, toward the end, I think
19 around the 49 second mark or so, there's like a
20 little black pipe coming out of the ground. Is
21 that what the town put in? It's like a small
22 flexible tube.

23 MS. PILLA: Not according to the plans
24 that I've seen for the original subdivision.
25 It was not something that the town put in so it

1 may have been something that a resident put in
2 at some point to attempt to alleviate the
3 problem on their property.

4 MR. MERCIER: Thank you very much. I have
5 no other questions.

6 HEARING OFFICER MORISSETTE: Thank you,
7 Mr. Mercier. We will now continue with
8 cross-examination of the Town of Manchester by
9 Mr. Silvestri, followed by Mr. Nguyen.

10 Mr. Silvestri, good afternoon.

11 MR. SILVESTRI: Good afternoon, Mr.
12 Morissette. Good afternoon all. Going through
13 my list of questions that I had for
14 Mr. Laiuppa, Mr. Mercier actually covered all
15 of them so I don't have any other questions
16 related to him. I do have a follow up I
17 believe for Miss Pilla regarding the flooding.
18 And, Mr. Mercier, kind of touched on this, but
19 the question I do want to pose, is the town
20 planning any mitigation measures for existing
21 flooding at this point?

22 MS. PILLA: Not as far as I know.

23 MR. SILVESTRI: Not as far as you know.
24 Thank you. Mr. Morissette, that's all I have.
25 Again, I thank Mr. Mercier for posing the

1 questions and the town for providing the
2 answers as well. Thank you.

3 HEARING OFFICER MORISSETTE: Thank you,
4 Mr. Silvestri. We will now continue
5 cross-examination of the Town of Manchester by
6 Mr. Nguyen, followed by Mr. Golembiewski.
7 Mr. Nguyen, good afternoon.

8 MR. NGUYEN: Good afternoon. I do not
9 have any questions. Thank you.

10 HEARING OFFICER MORISSETTE: Very good.
11 Thank you, Mr. Nguyen. We will continue with
12 cross-examination by Mr. Golembiewski, followed
13 by Dr. Nair. Mr. Golembiewski, good afternoon.

14 MR. GOLEMBIEWSKI: Thank you, Mr.
15 Morissette. Good afternoon everyone. I guess
16 I had just a few questions for Miss Pilla.
17 First of all, I appreciate that she's a
18 zoologist, landscape architect, which is an
19 interesting combination. I guess in sort of
20 landscape architect vein, I guess I'd like to
21 hear maybe a little more information on the
22 negative impact that you see from the
23 modifications, I guess primarily the clearing
24 activities at the site. And just I guess to
25 make sure it's in the record, what negative

1 impacts you see pre, I guess post versus what's
2 currently out there.

3 MS. PILLA: Sure. Are you looking
4 specifically in terms of wildlife?

5 MR. GOLEMBIEWSKI: Everything. But we can
6 start with wildlife. I think -- you know, a
7 lot of your I think testimony is maybe
8 appropriateness for the site. But yeah, let's
9 start with wildlife.

10 MS. PILLA: Sure. So, first of all,
11 deforestation of a large area of forest like
12 this is going to eliminate and fragment habitat
13 for any wildlife that's currently there. That
14 includes the -- was it the Box turtle, I
15 believe, that was identified by the DEEP NDDB
16 review. For them specifically, my concern is
17 that they tend to -- or they do hibernate just
18 below the surface in terrestrial forest
19 habitats and so any destruction of that forest
20 habit eliminates their hibernation area and
21 hypothetically they could move downhill to the
22 remaining forest area; but since they hibernate
23 below the surface, if they have to move
24 downhill towards wetter areas, they might not
25 be able to successfully stay below ground if

1 there's too much water there. That was the
2 only species of special concern. But the
3 exclusionary fence is going to have the impact
4 of keeping larger animals out of the area
5 that's fenced off, which is about 7.8 acres.
6 Larger animals, larger mammals, are most
7 susceptible to habitat fragmentation because
8 they need such large tracts of habitat in order
9 to survive because of their size. So, to
10 fragment their habitat in that way is going to
11 have a significant impact on them. I know the
12 petitioner mentioned that they could move to
13 the 2,500-plus-acre forested area to the
14 southwest, which is in the Case Mountain area.
15 My concern there is they have to cross a couple
16 of roads and a watercourse in order to get
17 there so I'm not sure how effectively and
18 safely they could make that migration.

19 Smaller animals will be able to get under
20 the fence via the 6-inch gap that the
21 petitioner has proposed, but again, the habitat
22 will be vastly different. We're talking about
23 animals that are used to a terrestrial forest
24 habitat and now they're going to be in an open
25 clearing basically. The petitioners identified

1 it as a grassland, which -- or a meadow type
2 ecosystem with the seed mix that's proposed
3 there. I'm inclined to disagree with that,
4 based on the seed mix that I've seen because
5 it's primarily lawn grasses that have a
6 tendency to outcompete natives. There's
7 Kentucky blue grass in there which is often
8 used on golf courses, specifically because it's
9 so good at outcompeting natives. And the other
10 one was the perennial ryegrass, which is
11 21 percent of that seed mix, the largest
12 composition, which is often used again on
13 sports fields, specifically because it's so
14 good at outcompeting natives so that you can
15 keep the monoculture. None of these are
16 identified as invasives in Connecticut, but
17 they are identified as invasives in other
18 states. The Kentucky blue grass, in
19 particular, is considered invasive specifically
20 in natural grassland ecosystems because of how
21 well it outcompetes natives.

22 MR. GOLEMBIEWSKI: So I want -- I notice
23 your testimony called the site a mature, I
24 guess, a mixed deciduous forest.

25 MS. PILLA: Yes.

1 MR. GOLEMBIEWSKI: Your opinion -- or your
2 opinion would be that the conversion to this
3 meadow mix would be a significant loss of
4 wildlife habitat ecological value?

5 MS. PILLA: Yes.

6 MR. GOLEMBIEWSKI: I had a question also
7 on the proposed wetland crossing, the driveway
8 crossing. Does that design -- is that
9 consistent with what you see usually in
10 Manchester?

11 MS. PILLA: I might defer to Mr. Laiuppa
12 regarding the sizing of the culvert on that,
13 but we do see that type of crossing proposed
14 and often approved for driveways and things
15 like that. But typically it would go through
16 the inland/wetland process which would require
17 a bit more discussion of the functions and
18 values of the wetland and any prudent and
19 feasible alternatives that were considered to
20 reduce that impact, which I'm not sure any
21 potential alternatives were discussed. I would
22 refer to Mr. Laiuppa regarding the sizing of
23 the culvert.

24 MR. GOLEMBIEWSKI: Do you want to step in,
25 Mr. Laiuppa?

1 MR. LAIUPPA: Sure. This is -- that type
2 of crossing is not uncommon in town. The
3 sizing of it seems adequate. One question that
4 would come up is if it's entered as a wetland
5 application, because the applicant or the
6 petitioner assigned a -- I don't remember what
7 category they gave it, but the stream site as a
8 perennial watercourse, one question that would
9 come up is in addition to their visual
10 observations, has there been any coordinations
11 with DEEP Fisheries about any concerns that may
12 occur in that watercourse. And the reason that
13 question may come up is because of the type of
14 bottom that that crossing would be requested by
15 the wetland agency, they may request an open
16 bottom or box with natural bottom installed as
17 opposed to just a concrete type culvert for
18 fisheries concerns in that case.

19 MR. GOLEMBIEWSKI: Okay. I had a question
20 actually for both of you. As I read the plans,
21 so we are using the term clearing of trees, but
22 it's actually significantly more, it's actually
23 grubbing and removing all the stumps and that
24 will have some disturbance into the soil also.
25 So I was wondering if maybe I didn't see that

1 specifically in either of your testimony, but I
2 don't know if you had any concerns regarding
3 temporary impacts potentially to water
4 resources, long-term changes, you know, to the
5 land surface, the runoff and then ultimately
6 decommissioning -- I guess how do you restore
7 the site back after you clear stump and grade?
8 There's going to be a significant amount of
9 soil disturbance is how I read it. Maybe you
10 can take turns. It's not directly reflected in
11 your testimony.

12 MS. PILLA: Sure. I can start. In terms
13 of immediate impacts and temporary impacts
14 during the clearing and the grubbing, primary
15 concern would be erosion control, especially
16 because of the slope. So once you start to
17 pull out those stumps and kill the roots, those
18 trees are no longer holding those soils in
19 place so the immediate concern there, and with
20 such a downhill slope, would be the potential
21 for significant erosion. Long-term impacts and
22 permanent impacts, I think there would
23 definitely be impacts to any wildlife that
24 utilized the soil for either hibernation or as
25 their regular habitat, which would be a lot of

1 small animals, insects, pollinators included,
2 that either live or breed underground. And
3 then in terms of the forest itself and
4 returning it to the existing condition after
5 decommissioning, it's hard to estimate of
6 course the age of this forest, but based on the
7 aerial imagery that we do have from 1934 and
8 some of the statements that were made in the
9 petitioner's report about the maturity of the
10 trees and the size of the trees, I would
11 estimate that at least a portion of this forest
12 is well over a hundred years old. You can
13 replant a forest or begin to replant after
14 decommissioning, but you're talking about close
15 to if not more than a hundred years to get back
16 to it's current successional stage, which is a
17 long time. So to say that it would be returned
18 to existing conditions upon decommissioning is
19 not accurate and it would not serve the same
20 ecosystem purpose and provide the safe
21 ecosystem services that it's currently
22 providing. Do you want to add?

23 MR. LAIUPPA: Sure. I'll start by saying
24 that Manchester, any ground disturbing activity
25 within a hundred feet of a watercourse would

1 require a wetland permit. So much of this
2 activity would be within a hundred feet of a
3 wetland or watercourse and would require
4 wetland permitting, which involves the full
5 review of the staff and inland/wetland agency.
6 So in addition to some of the points that Miss
7 Pilla brought up, basically scraping the soil
8 or even excavating the soil is going to
9 significantly change the drainage patterns on
10 site which is very difficult to anticipate
11 unless it's purposefully directed in a certain
12 location. So knowing that there's glacial till
13 below the site, the petitioner mentioned I
14 believe three feet below the surface, depending
15 upon the depth of excavation and grading of the
16 site, the drainage patterns will be changed.
17 The aeration of the soil obviously will be not
18 the same once it's scraped or removed. That
19 impacts vegetative growth. Another concern
20 once the site is cleared is that the increased
21 prevalence of invasive plants would be a
22 difficult task to manage. So the soil
23 disturbance has sort of a snowball effect on
24 many things, including the vegetation, the
25 existing proposed and not planned vegetation

1 that might come into the site. One of the
2 things that I did put into my statements talk
3 more about the decommissioning of the site and
4 doing a thorough inventory of the site in order
5 to restore it to preexisting conditions. And
6 that inventory, and I wrote it up in my
7 statements, should in addition to vegetative
8 inventory include things like crops and soil
9 aeration, groundwater flow patterns and duff
10 and ground cover that exists on site. Without
11 the restoration of the preexisting conditions,
12 it's an impossible statement to say that the
13 site would be restored to preexisting
14 conditions if we don't have that inventory.

15 MS. PILLA: If I may, I'll just followup
16 on one thing that Mr. Laiuppa said about
17 invasive species and because it is such a large
18 amount of ground disturbance, I just want to
19 make sure this is clearly stated on the record
20 that the best way to invite an invasive species
21 onto a site is to disturb the soils and to
22 create an edge condition. As soon as you do
23 that, you are pretty much guaranteed to start
24 getting opportunists, opportunist species, who
25 are going to come in and take advantage of

1 those disturbed soils and those edge conditions
2 and generally that's your invasive species. So
3 soil disturbance in general is opening that
4 door wide open.

5 MR. GOLEMBIEWSKI: Thank you. I guess my
6 last question I'll pose to both of you is, and
7 you do the same as I do, we're weighing the
8 benefits of projects versus the potential and
9 permanent impacts. For this site, we sort of
10 discussed what's going into developing this
11 proposal. How would you assess the ultimate
12 benefits of the project versus the short-term
13 and potential long-term impacts?

14 MS. PILLA: In my opinion, the negative --
15 potential negative impacts both short and long
16 term outweigh the benefits. Solar energy and
17 renewable energy in general is absolutely
18 wonderful and I fully support it and would love
19 to see more of it here in Manchester and in the
20 right locations, but I don't believe that a
21 facility of this size could possibly outweigh
22 the negative impacts of the loss of such a
23 large amount of mature forest. I also don't
24 believe if we were to compare this again to any
25 other type of development project that could

1 happen here, if we were talking about housing
2 or agriculture or something like that, I would
3 be less concerned because we'd be creating
4 permanent housing for people who need it.
5 There's a housing crisis obviously in
6 Connecticut and across the country. There is a
7 severe lack of farmable land and agriculture.
8 Those would be permanent uses that would be,
9 you know, creating a long-term benefit for the
10 community. In that case, I could see it
11 potentially outweighing the negative impacts.
12 But again, for a project with a 25-year
13 lifespan and for the amount of energy it would
14 be producing, I, in my professional opinion, do
15 not see that as outweighing the negative
16 impacts of this vast amount of habitat loss.

17 MR. LAIUPPA: I'll jump in. I do agree
18 with Miss Pilla. And I will add that my
19 concerns -- again, I fully support solar where
20 it's appropriate. My concerns in this case go
21 a bit beyond the ethnocentric view that is
22 often taken is that the habitat fragmentation
23 is a significant, in my mind, is a significant
24 issue that should be addressed more fully. To
25 restore a habitat of a mature or even

1 semi-mature forest takes many, many years and
2 that equals many, many generations of the
3 wildlife that's living in that location. If
4 this had been a tobacco field or a parking lot,
5 even to restore a vegetative -- a herbaceous
6 vegetative community takes many less years than
7 restoring that of a forest. I think the
8 long-term impact does not outweigh the benefit
9 of installing solar facility in this location.
10 I do have concerns because it's on a slope and
11 it's a slope with shallow groundwater in some
12 areas and with till below the surface and that
13 location has reached sort of a certain state of
14 stasis in that the vegetation that's there has
15 been able to maintain soil conditions to
16 prevent erosion from happening. It's very
17 difficult to predict what will happen in that
18 kind of forest, even if you fully vegetate it
19 with some perennial herbaceous plants. It's
20 sort of a bit of a gamble to say that it will
21 remain stabilized in that way. I'm concerned
22 about the environment, but also any neighbors
23 that may be downsloped of that. Additionally,
24 if there does become a situation where we have
25 more runoff coming from the site, that puts a

1 stress on the town's systems to handle that
2 runoff.

3 MR. GOLEMBIEWSKI: Thank you very much. I
4 appreciate your time. Mr. Morissette, I'm all
5 set. Thank you.

6 HEARING OFFICER MORISSETTE: Thank you,
7 Mr. Golembiewski. We will now continue with
8 cross-examination by Mr. Carter, followed by
9 Miss Hall. Mr. Carter, good afternoon.

10 MR. CARTER: Good afternoon, Mr.
11 Morissette. I don't have any questions for the
12 town. Thank you.

13 HEARING OFFICER MORISSETTE: Thank you,
14 Mr. Carter. We will now continue
15 cross-examination by Miss Hall, followed by
16 myself. Miss Hall, good afternoon.

17 MS. HALL: Good afternoon. Just a
18 follow-up question to Miss Pilla. Following up
19 on your comment about the seed mix that might
20 be used, if that were changed to include more
21 natives and fewer and less of a mix that
22 borders -- that other states consider invasive,
23 would that improve the situation?

24 MS. PILLA: Yes, it would certainly
25 improve the situation. If that were the case,

1 I would love to see a custom seed mix that's
2 mostly or entirely native, preferably with
3 species that would require no mowing or little
4 mowing in order to maintain the facility in
5 working order because the mowing is also a
6 concern. Even native species and species that
7 potentially have wildlife benefits, if they're
8 not allowed to grow to maturity, those benefits
9 aren't happening. So if you've got grasses
10 that are three-and-a-half to four-feet tall at
11 maturity but you're continuously mowing them so
12 that they don't reach that height and they
13 never seed and their roots also will never get
14 as deep as they could if you allowed them to
15 grow to maturity, then you're effectively
16 eliminating some of those wildlife benefits.
17 So, to answer your question, yes, it could be
18 improved, but it would have to be a custom and
19 carefully thought-out mix.

20 MS. HALL: Thank you. I have no further
21 questions.

22 HEARING OFFICER MORISSETTE: Thank you,
23 Miss Hall.

24 I have a couple of questions.
25 Mr. Laiuppa, do you have any comments on the

1 stormwater overflow being directed to the
2 wetlands?

3 MR. LAIUPPA: Yes, I do. My concern is
4 that if there is additional discharge to a
5 wetland system additional to current
6 conditions, that there be will be undue burden
7 put on that wetland and property owners that
8 may also contain the same wetland. There is a
9 property on Amanda Drive that that wetland
10 system is on that property. There's a
11 potential of if you add water to it, you can
12 expand the footprint of that wetland. And if
13 the footprint of the wetland is expanded on
14 someone else's property, they have the burden
15 of dealing with any regulations. So if they
16 want to do any improvements to their property,
17 they may now have to have a wetland permit
18 where they may not have before. Additionally,
19 the balance within the wetland system will be
20 disrupted. So we often say well, adding water
21 to the wetlands is a good thing, but because
22 there are different types of wetlands that
23 require different amounts of water, it's not
24 always an ideal situation to add water to it.
25 Until that is a well known factor, whether or

1 not there is in addition to the existing
2 conditions of the water going to that wetland
3 system, it is absolutely a concern.

4 HEARING OFFICER MORISSETTE: Thank you.
5 Miss Pilla, I have a question for you relating
6 to the filed zone change back in 1997. First
7 of all, could you tell me the difference
8 between what a rural residence is to a
9 residence double A?

10 MS. PILLA: Yes. The primary difference
11 is -- they're both residential zones that allow
12 primarily single-family housing and the primary
13 difference is the density of housing that's
14 allowed. In Manchester, the rural residence
15 zone requires the largest lots and allows the
16 lowest density and the RAA, Residence AA, zone
17 allow smaller lots and greater density.

18 HEARING OFFICER MORISSETTE: Thank you.
19 As it stands right now, rural residences could
20 be developed in this area?

21 MS. PILLA: Yes.

22 HEARING OFFICER MORISSETTE: Under the
23 zoning requirements?

24 MS. PILLA: Yes.

25 HEARING OFFICER MORISSETTE: Residence A

1 was denied in 1997. Does that stay that way
2 forever or to change it, it would have to be a
3 new filing to the zoning commission to make
4 their case of a potential change?

5 MS. PILLA: That's correct.
6 Hypothetically someone could make a new
7 application for the Planning and Zoning
8 Commission for that zone change again.

9 HEARING OFFICER MORISSETTE: Given that it
10 got denied doesn't mean that it stays denied
11 forever?

12 MS. PILLA: Correct.

13 HEARING OFFICER MORISSETTE: Has there
14 been any, as far as you know, any developers
15 interested in that rural residence area?

16 MS. PILLA: Not since I've been here with
17 the town, which is a little over four years. I
18 haven't heard of any development inquiries.

19 HEARING OFFICER MORISSETTE: Okay. Thank
20 you. That concludes my cross-examination. We
21 will now continue with cross-examination of the
22 Town of Manchester by the petitioner.

23 Attorney Michaud, good afternoon.

24 MR. MICHAUD: Good afternoon, and good
25 afternoon to everybody on the call. My first

1 two questions will be directed to both
2 Mr. Laiuppa and Miss Pilla. You are both
3 familiar with the prefiled testimony of TRITEC
4 expert witnesses; correct?

5 MR. LAIUPPA: Yes.

6 MS. PILLA: Yes.

7 MR. MICHAUD: You were both present at the
8 last Zoom hearing when TRITEC's expert
9 witnesses responded to the Council's questions;
10 correct?

11 MS. PILLA: Yes.

12 MR. LAIUPPA: Yes.

13 MR. MICHAUD: My first question is
14 directed to Mr. Laiuppa. Hopefully I'm
15 pronouncing your name correctly. Your prefiled
16 testimony indicates that the property is
17 privately owned; correct?

18 MR. LAIUPPA: Yes.

19 MR. MICHAUD: You would agree that as
20 established by law, property rights generally
21 give the property owner or the property right
22 owner the ability to do with the property what
23 they choose; correct?

24 MR. LAIUPPA: Within regulated
25 restrictions, so if activities would trigger a

1 permit application for wetlands or erosion
2 sedimentation control or any other permits,
3 then yes.

4 MR. MICHAUD: Thank you. Another
5 question, or two questions for Miss Pilla. I
6 think you testified earlier today, you talked
7 about the project as being temporary, 25-year
8 project. You agree the project currently has a
9 30-year lease; correct?

10 MS. PILLA: If that's what was stated,
11 then yes.

12 MR. MICHAUD: Thank you. This lease could
13 be extended indefinitely, correct, if the
14 parties agree?

15 MS. PILLA: I can't speak to that. I'm
16 not familiar with how leases work. I suppose
17 if the parties agree, then yes.

18 MR. MICHAUD: This project could actually
19 easily extend another 30 years and then another
20 30 years and literally could be generating
21 energy with more efficient panels in the future
22 over the next 30, 60, 90 years; correct?

23 MS. PILLA: Sure. Theoretically yes, with
24 the replacement of the equipment.

25 MR. MICHAUD: Thank you. Miss Pilla,

1 could you refer to Exhibit F, Carbon Debt
2 Analysis, that's in the petitioner's
3 environmental assessment.

4 MS. PILLA: You said F?

5 MR. MICHAUD: Exhibit F.

6 MS. PILLA: Not the environmental
7 assessment? Is that a separate document?
8 Sorry.

9 MR. MICHAUD: F.

10 MS. PILLA: Got you. I don't have a hard
11 copy.

12 MR. MICHAUD: Do you know what this
13 analysis is?

14 MS. PILLA: Yes. Analysis of the
15 emissions from the project.

16 MR. MICHAUD: Okay. According to this
17 analysis, it's estimated that the project would
18 produce over 91 percent reduction in greenhouse
19 gas emissions instead of pursuing natural gas;
20 right? Correct?

21 MS. PILLA: According to this document,
22 yes.

23 MR. MICHAUD: Something to check. That's
24 based on a 20-year life of the project, but
25 it's actually going to be at least 25 or much

1 more, subject to check.

2 MS. PILLA: Okay.

3 MR. MICHAUD: Would you agree also,
4 subject to check, that under 20 years' life of
5 the project, it's going to produce about
6 40977000-megawatt hours of electricity while
7 emitting by -- excuse me, by allowing saving
8 that 1,763 metric tons of CO₂? Would you agree
9 to that?

10 MS. PILLA: Versus what would have been
11 emitted by natural gas, yes.

12 MR. MICHAUD: Yes. Thank you. To achieve
13 the equivalent megawatt hours that this project
14 will produce over 20 years, a natural gas
15 generator would emit almost 19,925 metric tons
16 of CO₂ and that's about 11 times the number of
17 emissions from the proposed project; correct?

18 MS. PILLA: Yes.

19 MR. MICHAUD: Can you say based on that
20 analysis that this project doesn't provide a
21 public benefit to the State of Connecticut?

22 MS. PILLA: I can't say that it provides
23 no public benefit. I would still say that that
24 benefit does not outweigh the negative impacts,
25 especially accounting for the loss of

1 conversion of carbon dioxide by the trees that
2 are currently there, which will be gone.

3 MR. MICHAUD: We'll talk about that. My
4 next question is directed to Mr. Laiuppa. I'll
5 direct you to the TRITEC environmental
6 assessment, appendix D, its cultural resources.

7 MR. LAIUPPA: Okay.

8 MR. MICHAUD: Next, could you turn to page
9 27 and look at figure 5C.

10 MR. LAIUPPA: Yes. What page was that?

11 MR. MICHAUD: It's page 27.

12 MR. LAIUPPA: I can pull up the one
13 online. Thank you. The exhibit only has 19
14 pages or 21 pages.

15 MS. PILLA: I think the appendices are in
16 another file.

17 MR. MICHAUD: Yes, the appendices. I'm
18 sorry. Appendix C.

19 MR. LAIUPPA: The ecological resource
20 appendices?

21 MR. MICHAUD: Appendix D, cultural
22 resources. It's page 27 of the appendix.

23 MR. LAIUPPA: D.

24 MR. MICHAUD: If you have --

25 MR. LAIUPPA: I have it.

1 MR. MICHAUD: Figure 5c, which is the same
2 picture as the late file Exhibit 5. Did you
3 have a chance to look at this picture?

4 MR. LAIUPPA: Which figure number is that?
5 Sorry.

6 MR. MICHAUD: 5c. It's from Fairchild
7 with the 1934, it says.

8 MR. LAIUPPA: Yes, I see that.

9 MR. MICHAUD: So you agree this is a map
10 from 1934; correct?

11 MR. LAIUPPA: That's my understanding.

12 MR. MICHAUD: And this picture shows the
13 broader area of the proposed, of the whole
14 property?

15 MR. LAIUPPA: Right.

16 MR. MICHAUD: And then the project
17 property line; correct?

18 MR. LAIUPPA: Yes.

19 MR. MICHAUD: Would you agree that the
20 vast majority of the property itself back in
21 1934 was cleared agricultural land?

22 MR. LAIUPPA: It appears from this aerial
23 that the southern portion of this aerial from
24 90 years ago was cleared agricultural land,
25 yes.

1 MR. MICHAUD: Is it possible that prior to
2 1934, this area was cleared agricultural land?

3 MR. LAIUPPA: I can't say yes or no on
4 that. I don't have that knowledge.

5 MR. MICHAUD: Is it fair to say that at
6 least the southern portion, which shows all
7 cleared agriculture land, is the preexisting
8 condition of this property site?

9 MR. LAIUPPA: Preexisting is a relevant
10 term.

11 MR. MICHAUD: Yes. Modern times?

12 MR. LAIUPPA: The site as any other site
13 would change over time, we really have to have
14 a lot more reference if we're going to talk
15 about preexisting conditions based on an
16 aerial.

17 MR. MICHAUD: Just based on what you're
18 saying, from 1934 to present, I know in human
19 time there are people alive, we're still alive
20 from that time, my mother, but in earth time,
21 that's a blink of an eye; correct?

22 MR. LAIUPPA: Yes. I understand where
23 you're going, I believe. When I look at an
24 application and preexisting conditions, I refer
25 to existing conditions as they are prior to the

1 proposed activity, so immediately prior to.
2 So, if we put a slippery slope on the timeline,
3 I would imagine that any site would have
4 evolved with more or less trees over time.

5 MR. MICHAUD: So 94 years ago wasn't that
6 long ago in realtime, in earth time; correct?

7 MR. LAIUPPA: In glacial terms, sure.

8 MR. MICHAUD: Is it fair to say that based
9 on this picture, the site as today wouldn't be
10 considered a virgin or ancient forest; correct?

11 MR. LAIUPPA: Yeah. Based on this photo
12 and whatever definition you're using for
13 ancient forests, I would say in 1934 there were
14 not trees covering the entire site.

15 MR. MICHAUD: Thank you. Can you look at
16 late filed Exhibit number 4.

17 MR. LAIUPPA: Late filed Exhibit number 4.
18 Okay. I will pull it up. Sorry. Working on
19 getting there. Number 4.

20 MR. MICHAUD: This is the recalculation of
21 the acreage of the post development core
22 forest --

23 MR. LAIUPPA: Yes.

24 MR. MICHAUD: -- 300-foot buffer as
25 requested by this council member; correct?

1 MR. LAIUPPA: Yes.

2 MR. MICHAUD: Would you agree that the
3 forest plan on this forest plan, the solar
4 array, is on less than 250 acres of forest?

5 MR. LAIUPPA: Can you repeat that again?

6 MR. MICHAUD: The area where the forest --
7 where the proposed project is --

8 MR. LAIUPPA: Yes.

9 MR. MICHAUD: -- is on an area of forest
10 that's less than 250 acres; correct?

11 MR. LAIUPPA: Yes.

12 MR. MICHAUD: This would be considered a
13 small core forest as opposed to a medium or
14 large core forest; correct?

15 MR. LAIUPPA: My understanding is as
16 defined by DEEP, this is a small core forest.

17 MR. MICHAUD: So, based on the proposed
18 project in response to this late file exhibit
19 request, would you agree that the proposed
20 project would only need to clear four acres of
21 existing small forest?

22 MR. LAIUPPA: The clearance of the core
23 forest would be the direct impact, but the
24 increase impact to the core forest would be
25 greater because it would decrease the edge.

1 The core forest begins -- or the buffer that
2 helps define the core forest begins at
3 300 feet, so you have to have 300 feet of
4 forest buffering the core forest area. A
5 direct impact to the core forest would decrease
6 the core forest itself by a larger amount than
7 the direct impact.

8 MR. MICHAUD: Thank you for that, but my
9 question was the project would only need to
10 clear four acres of forest. Yes or no?

11 MR. LAIUPPA: The project will directly
12 impact only four acres.

13 MR. MICHAUD: Thank you. You would agree
14 that the Town of Manchester approved the Amanda
15 Road housing development extension even though
16 that housing development is on core forest?

17 MR. LAIUPPA: That would have to be my
18 assumption because I wasn't involved, but I
19 also, as stated earlier, the Town of Manchester
20 does not require -- does not have requirements
21 related to core forest. If this was a town
22 application, it would be looked at differently
23 than if it was a Siting Council application.

24 MR. MICHAUD: Based on that response,
25 isn't it fair to say that the town is treating

1 this proposed solar array much different than
2 it treats any other development, specifically
3 the Amanda Road type housing development
4 request?

5 MR. LAIUPPA: Yes. Because of the
6 parameters and the requirements for a Siting
7 Council application. The town was asked to
8 intervene based on the application at hand.
9 The application at hand is not for the Town of
10 Manchester, the application at hand is for the
11 Siting Council, which has different
12 requirements.

13 MR. MICHAUD: I agree, but the town's
14 position is a polar opposite of what your
15 position was on this Amanda Road extension;
16 correct?

17 MR. LAIUPPA: I was not involved
18 personally with that, but the town approved
19 that application. I don't know the discussion
20 or the history.

21 MR. MICHAUD: I'm going to switch now to
22 habitat impacts with the fence. I think it's
23 Miss Pilla. If I have the wrong witnesses, let
24 me know. Miss Pilla, the proposed project
25 would have a perimeter fence per code; correct?

1 MS. PILLA: I don't know if it's per code.
2 I just know that that's what's in the proposal.

3 MR. MICHAUD: Subject to check, it's per
4 code. Would you agree?

5 MS. PILLA: Sure.

6 MR. MICHAUD: You attended the previous
7 hearing so you heard TRITEC's experts explain
8 that the perimeter fence would be constructed
9 as to not impede over land migration and
10 habitation for most wildlife; correct?

11 MS. PILLA: I did hear that statement,
12 yes, but I would clarify that that means most
13 wildlife that are 6 inches or shorter in
14 height.

15 MR. MICHAUD: Yes. And you also heard
16 that the fence is designed with a wildlife
17 friendly 6-inch gap, which you just said?

18 MS. PILLA: Yes.

19 MR. MICHAUD: Which would allow most
20 wildlife to pass under it, correct, but not
21 larger animals?

22 MS. PILLA: Most wildlife 6 inches or
23 shorter in height, yes.

24 MR. MICHAUD: You also heard their TRITEC
25 experts testify, as you just said correctly,

1 the larger animals could not fit under the
2 fence gap, but they could travel around the
3 fence, which our experts believe will not
4 significantly impede their migration borders;
5 correct?

6 MS. PILLA: I did hear that statement,
7 yes.

8 MR. MICHAUD: Do you also agree that the
9 fence would protect smaller prey animals
10 because it would exclude the larger animals
11 from entering the solar project area?

12 MS. PILLA: Do I agree? No. The fence
13 could theoretically protect smaller animals
14 from predatory terrestrial animals. It
15 wouldn't protect them from avian species. And
16 also it depends on the maintenance and
17 operations of the facility and whether any
18 nests or dwellings for those animals are
19 actually allowed to remain within the fenced
20 area without being disturbed. It wouldn't
21 provide protection if the animals are not
22 allowed to build their homes within the fence.

23 MR. MICHAUD: Okay. Let's turn to the
24 Eastern Box turtle, Miss Pilla. You do agree
25 that that's a species of special concern;

1 correct?

2 MS. PILLA: Yes.

3 MR. MICHAUD: And you do agree that you
4 may not agree with it, but the project has
5 proposed an Eastern Box turtle protection
6 program?

7 MS. PILLA: Yes.

8 MR. MICHAUD: Would you agree if that
9 program is strictly followed that it will
10 protect the turtle?

11 MS. PILLA: No. I believe it would
12 protect them from immediate temporary impacts
13 of construction activities. I do not believe
14 it would protect them from loss of habitat.

15 MR. MICHAUD: Okay. So you don't agree
16 with TRITEC's witnesses that the current
17 habitat within the project area is lacking for
18 the turtle?

19 MS. PILLA: That current habitat is
20 lacking?

21 MR. MICHAUD: Yes.

22 MS. PILLA: Can you clarify what you mean
23 by that? How is it lacking?

24 MR. MICHAUD: TRITEC's experts have
25 testified that it's not an ideal habitat as it

1 is right now for the proposed project area for
2 that turtle. But on the decommissioning,
3 what's left behind after decommissioning would
4 actually be a better habitat for that turtle,
5 at least in the short term in earth years.

6 MS. PILLA: No, I do not agree with that.

7 MR. MICHAUD: My next question is for
8 Mr. Laiuppa. I'm not going to pronounce this
9 right, but the Shenipsit Trail --

10 MR. LAIUPPA: Shenipsit.

11 MR. MICHAUD: Shenipsit. Thank you. You
12 would agree this trail traverses the property
13 outside of the proposed project site and is
14 part of the Blue Blaze Trail system; correct?

15 MR. LAIUPPA: Yes.

16 MR. MICHAUD: You agree that this project
17 is on private property?

18 MR. LAIUPPA: Yes.

19 MR. MICHAUD: The only reason people right
20 now can walk it is because the property owner
21 allows it?

22 MR. LAIUPPA: As I stated earlier, I don't
23 know what agreements are in place, formal or
24 otherwise, between the property owner and the
25 managers of the trail. But yes, because it's

1 allowed in some fashion by the property owner.

2 MR. MICHAUD: Even though this is totally
3 on private property, the Town of Manchester
4 testified it considers the trail a recreational
5 asset for the town; correct?

6 MR. LAIUPPA: It's a regional recreational
7 asset because it's part of the Blue Blaze Trail
8 system, so it goes beyond the town.

9 MR. MICHAUD: Okay. You were present at
10 the previous hearing. You heard questions from
11 the Council asking TRITEC's expert if the
12 current lease would prohibit proposed solar
13 expansion or other development on the larger
14 property beyond the proposed project; correct?

15 MR. LAIUPPA: Yes, I heard that.

16 MR. MICHAUD: Is it fair to say that the
17 town agrees with the Council's concern
18 regarding the possibility of future proposed
19 solar expansion or even other types of
20 development on the larger area of the property?

21 MR. LAIUPPA: Specifically what was the
22 statement?

23 MR. MICHAUD: The concern was -- I don't
24 know if it's a concern, but the question was
25 Will there be a larger solar system there, a

1 war solar or other development on the property
2 per the lease?

3 MR. LAIUPPA: Right. So, the allowability
4 is not dependent on this application. Is that
5 what you're saying?

6 MR. MICHAUD: No. I'm asking if you would
7 be okay if in the future a 5-megawatt project
8 was built there or a housing development?
9 That's my question. That's what I'm getting
10 at.

11 MR. LAIUPPA: Is this in relation to the
12 trail that you began the questioning with, or
13 separate?

14 MR. MICHAUD: Yes. In and around the
15 trail, yes.

16 MR. LAIUPPA: Right. I don't have a say
17 in that. My statement said that based on the
18 agreement that may -- if there's an agreement
19 in place between the property owner and the
20 trail manager, then that agreement should be
21 upheld. I don't know if there is or is not an
22 agreement in place.

23 MR. MICHAUD: No. I'm just asking for
24 your opinion if that were to happen, as the
25 witness for the town.

1 MR. LAIUPPA: That an expansion of
2 facilities could be allowed?

3 MR. MICHAUD: That you would be acceptable
4 or concerned if anything was expanded closer
5 around that trail?

6 MR. LAIUPPA: It depends on the plan. I
7 would put it under the same scrutiny and
8 review. I can't say that I would be acceptable
9 to an expansion without seeing the plan.

10 MR. MICHAUD: Okay. So, what I was
11 leading to here is if TRITEC were to purchase
12 the property instead of leasing it and would
13 agree to execute with the Town of Manchester as
14 the owner, and DEEP, agree to execute a
15 permanent conservation easement over the entire
16 area outside of the current proposed project,
17 would this be something that you believe the
18 town would be interested in pursuing?

19 MR. SULLIVAN: I'm going to object to the
20 question. I don't believe the witness is
21 qualified to answer policy questions. He's
22 here in his professional capacity.

23 HEARING OFFICER MORISSETTE: Attorney
24 Michaud, any comment?

25 MR. MICHAUD: Yeah. I think it's a

1 legitimate question. They've expressed a lot
2 of concern with this project in their
3 testimony. They talk about how it specifically
4 can impact people on the trail. There's a lot
5 of concern about that. All we're asking is if
6 the project agreed to purchase the land and
7 actually work with the town to make it
8 permanent so that it's a conservation area and
9 that nobody on that trail -- nothing would ever
10 affect that, I think that's a legitimate
11 question to ask the town witness.

12 MR. SULLIVAN: It may be a legitimate
13 question, but the question -- really is this
14 the proper witness to comment on that? It's
15 all speculative. It's in the future.

16 HEARING OFFICER MORISSETTE: Thank you,
17 Attorney Sullivan. Attorney Bachman, do you
18 have a comment on this?

19 MS. BACHMAN: Thank you, Mr. Morissette.
20 I'm just going to back to Miss Pilla's prefiled
21 testimony where Mr. Mercier had asked a
22 question about the compensation for loss of
23 trees and whether or not what Attorney Michaud
24 is suggesting might be in line with what she
25 had requested.

1 MS. PILLA: Is that a question for me?

2 HEARING OFFICER MORISSETTE: Given that, I
3 don't believe we have the right witnesses to
4 answer the question directly for Attorney
5 Michaud. I do believe that they can provide an
6 opinion, but whether that opinion at the end of
7 the day finds the town in any way or fashion is
8 something I don't think we can do here this
9 afternoon.

10 I'll direct the witnesses to answer in
11 their opinion what their thoughts are in that
12 regard.

13 MS. PILLA: I would say in my opinion
14 regarding the relationship to my prefiled
15 testimony, as Attorney Bachman mentioned, a
16 conservation easement would be practically
17 different from what I was referring to, a
18 one-time financial compensation. A
19 confirmation easement would be a permanent
20 limitation on any future development, including
21 hypothetically housing development for
22 agricultural purposes, that kind of thing. So,
23 would a conservator easement alleviate concerns
24 about additional environmental impacts from the
25 potential future expansion of solar facility?

1 Yes. Would it be an ideal answer for the
2 long-term use of this property? In my opinion,
3 I would say not necessarily, but ultimately
4 that would be a decision for the town's Board
5 of Directors.

6 MR. MICHAUD: So just go off that, Miss
7 Pilla. So your testimony in regard to your
8 concerns with the trail, and Mr. Laiuppa's, are
9 really irrelevant. You included that, but now
10 you're saying that really doesn't matter. You
11 wouldn't mind a solar project; correct?

12 MS. PILLA: No, that's not what we're
13 saying at all.

14 MR. MICHAUD: That's what your statement
15 just said, that it's irrelevant. You just said
16 that.

17 MS. PILLA: I don't believe I said that.

18 MR. LAIUPPA: I'd like to address this
19 because you did ask me.

20 MR. MICHAUD: That question was directed
21 to Miss Pilla. I'm going to move on now.

22 My next question is the 10-foot buffer.
23 Mr. Laiuppa, you testified that TRITEC's
24 proposed construction activity cannot comply
25 with DEEP's appendix I, Design Regulations and

1 Compliance, which requires a 10-foot buffer
2 because the proposed access road will cross the
3 wetland; correct? That was testimony?

4 MR. LAIUPPA: No. I stated it cannot be
5 stated that there's no direct impact to
6 wetlands because there's a crossing.

7 MR. MICHAUD: Are you familiar with
8 section I2a3i of the Connecticut DEEP appendix
9 I Stormwater Management and Solar Array
10 Construction document?

11 MR. LAIUPPA: Is that something that was
12 submitted?

13 MR. MICHAUD: I believe the Council took
14 administrative notice of it, and yes. They
15 took administrative notice of this document.

16 MR. LAIUPPA: I don't know the numbers. I
17 don't know the text associated with numbers off
18 the top of my head.

19 MR. MICHAUD: That's okay. Subject to
20 check, the documents in this DEEP appendix I
21 states, I'm quoting, Any crossing through a
22 wetland or waters for an access road for
23 electrical interconnection is exempt from such
24 buffer requirement.

25 MR. LAIUPPA: Okay.

1 MR. MICHAUD: Does that regulation now change
2 your position?

3 MR. LAIUPPA: No, because my statement was
4 I'll refer to what I -- minimum of 10 feet
5 between construction activity. My
6 understanding is the petitioner said that there
7 would be no direct impact to wetlands. That
8 doesn't have anything to do with the
9 requirements. The direct impact is the direct
10 impact. If there's a direct crossing of a
11 wetland, it's a direct impact. It may be --
12 there may be a waiver from regulations, but
13 there's still a direct impact.

14 MR. MICHAUD: Okay. But you would agree
15 that based on regulation, it's exempt anyway?

16 MR. LAIUPPA: If the exemption exists,
17 that's fine. I do agree that that's what it
18 says in the appendix, because I have it in
19 front of me. But that wasn't what my statement
20 was.

21 MR. MICHAUD: Thank you. Moving on,
22 Mr. Laiuppa, to property values. You had made
23 some comments about that. Are you familiar
24 with the joint study of UConn and Lawrence
25 Berkeley National Lab that showed that in

1 Connecticut groundwater and solar projects had
2 no adverse effect on property values and even
3 increased property values?

4 MR. LAIUPPA: No, I'm not.

5 MR. MICHAUD: Moving on to stormwater,
6 Mr. Laiuppa. The Town of Manchester is
7 concerned about the current flooding conditions
8 in the area of the proposed project adversely
9 affecting the residents during severe
10 rainstorms. Is that fair to say?

11 MR. LAIUPPA: Under current conditions or
12 proposed conditions?

13 MR. MICHAUD: My question is, the current
14 conditions in the area show -- based on your
15 testimony and exhibits shows there are flooding
16 conditions in the area currently; correct?

17 MR. LAIUPPA: Yes.

18 MR. MICHAUD: And that the inclusion of
19 this project in the area, you're concerned it
20 would make things worse?

21 MR. LAIUPPA: Yes.

22 MR. MICHAUD: You were present at the last
23 hearing and remember the testimony of TRITEC's
24 expert witness Kevin Solli from Solli
25 Engineering; correct?

1 MR. LAIUPPA: Yes.

2 MR. MICHAUD: So you know that Mr. Solli
3 is a certified erosion and sediment control
4 professional. He has 20 years' experience in
5 civil engineering and site development;
6 correct?

7 MR. LAIUPPA: Yes.

8 MR. MICHAUD: So you wouldn't have any
9 reason to doubt that Mr. Solli is an expert on
10 stormwater runoff management; correct?

11 MR. LAIUPPA: I don't know his specific
12 area of expertise, but if that's what he
13 claims, I'll accept that.

14 MR. MICHAUD: You heard him testify that
15 under his proposed stormwater runoff management
16 plan, the rate of stormwater runoff leaving the
17 proposed solar project site would be
18 substantially reduced over 50 percent compared
19 to the existing flooding conditions that you're
20 experiencing now; correct?

21 MR. LAIUPPA: The current flooding
22 conditions would include stormwater and
23 groundwater, and the proposed would as well. I
24 did hear him testify to the proposed stormwater
25 conditions, but not the proposed groundwater

1 conditions.

2 MR. MICHAUD: Okay. Would you agree to
3 that, subject to check, reading the transcript?

4 MR. LAIUPPA: That he spoke to
5 groundwater?

6 MR. MICHAUD: The rate of stormwater
7 runoff leaving the proposed project site would
8 be substantially reduced compared to what your
9 existing conditions are.

10 MR. LAIUPPA: Right. For stormwater, yes,
11 I agree that he said that.

12 MR. MICHAUD: Thank you. So, if
13 Mr. Solli's analysis and proposed stormwater
14 controls are correct, would it be fair to say
15 that the proposed project would actually help
16 alleviate the current flooding situation for
17 the residents and the town affected by these
18 severe rainstorms?

19 MR. LAIUPPA: No.

20 MR. MICHAUD: How could that be if it's
21 going to cut the stormwater runoff by
22 50 percent? Explain.

23 MR. LAIUPPA: Because again, your
24 reference is only to stormwater and doesn't
25 account for groundwater.

1 MR. MICHAUD: Go on.

2 MR. LAIUPPA: So the removal of vegetation
3 and vegetative uptake increases the amount of
4 groundwater discharge potential for the site.

5 MR. MICHAUD: We'll leave it there. Go to
6 the last one, Decommissioning. I'm going --
7 can you pull up the picture, the original
8 picture we have from 1934.

9 MR. LAIUPPA: Yes, I have it.

10 MR. MICHAUD: Again, based on that
11 picture, you can see there's -- it's not all,
12 but a major portion of it is cleared
13 agricultural land; correct?

14 MR. LAIUPPA: In that photo, it appears to
15 be, yes.

16 MR. MICHAUD: You heard witness testimony
17 from TRITEC's expert witness Mr. Wojtkowiak
18 that, in his opinion, the forest within the
19 project site is a second growth forest with
20 primarily dead or dying ash trees and invasive
21 vegetation; correct?

22 MR. LAIUPPA: I did hear him say that.

23 MR. MICHAUD: My last question is, if the
24 proposed -- if proposed by TRITEC, would the
25 Town of Manchester agree to collaborate with

1 the town on a decommissioning plan that would
2 insure guidelines on the size and caliber of
3 the trees and a timeline for the end of
4 restoring the forest, along with a long-term
5 monitoring condition to meet that goal?

6 MR. SULLIVAN: I'm going to object again.
7 I don't think this is the witness from the town
8 who can make --

9 HEARING OFFICER MORISSETTE: Attorney
10 Michaud?

11 MR. MICHAUD: I took this proposal
12 directly from his testimony.

13 HEARING OFFICER MORISSETTE: From whose?
14 Mr. Laiuppa?

15 MR. MICHAUD: Yes. The conditions at the
16 end, I cut and pasted what he was asking for.

17 MR. LAIUPPA: In the testimony, there was
18 a question as to what changes would I suggest
19 if the project was approved. This is not a
20 Town of Manchester application so I don't
21 believe that the town has the standing to make
22 these agreements. These are suggestions that
23 may be adopted by the Siting Council if they
24 agree to approve the project. I don't believe
25 the town has the stance to make that agreement.

1 MR. MICHAUD: Okay. So, you disagree that
2 TRITEC couldn't make an offer outside the
3 Siting Council to the town? You don't agree
4 they can do that?

5 MR. LAIUPPA: I believe -- depending on
6 the conditions of the Siting Council's
7 approval, if that was allowable within the
8 application, then the town can review it and
9 consider it.

10 MR. MICHAUD: Let me clarify. If the
11 proposal was made to the town and the town and
12 TRITEC submitted it jointly within this
13 proceeding for the Siting Council to review,
14 you don't think that's appropriate or could be
15 done?

16 MR. SULLIVAN: I'm going to object on the
17 same grounds. This is above his paygrade here.
18 We have a legislative body selected and we're
19 vested with that kind of authority to make
20 agreements. And also, the secondary objection
21 is speculation.

22 HEARING OFFICER MORISSETTE: Thank you,
23 Attorney Sullivan. Attorney Michaud, any
24 comment?

25 MR. MICHAUD: Yeah. I guess I disagree.

1 They allude to it in their testimony again. I
2 think they can give an opinion. I'm suggesting
3 to the Council, this is just a suggestion,
4 perhaps a letter, a late file exhibit, a letter
5 from the town submitted as a late file exhibit
6 on both of these questions on the town's
7 opinion might be helpful to the Siting Council.

8 HEARING OFFICER MORISSETTE: Thank you,
9 Attorney Michaud. Attorney Bachman, any
10 comment?

11 MS. BACHMAN: Thank you, Mr. Morissette.
12 I don't have any comment. I understand that
13 the information was placed in the record
14 relative to the question of Attorney Michaud
15 and certainly we do have to have a continued
16 evidentiary hearing session in the future, so
17 we could entertain late filed exhibits from the
18 town if they can take that back to the board
19 and get an opinion. Certainly Attorney
20 Sullivan could relay that opinion at the next
21 hearing or by the prefiled date of the next
22 hearing. I think that would be appropriate.

23 HEARING OFFICER MORISSETTE: Thank you,
24 Attorney Bachman.

25 With that, if the witnesses could take

1 that back to the town and see what the town
2 would like to do with the proposal that
3 Attorney Michaud is proposing, file it as a
4 late file and we'll take it up at a future
5 hearing.

6 MR. LAIUPPA: I'll do that certainly, but
7 may not align for the next evidentiary hearing.
8 I'm not sure when the next meeting with the
9 Board of Directors is going to happen.

10 HEARING OFFICER MORISSETTE: Well, at
11 least some feedback as to whether the town is
12 interested in entertaining such a proposal
13 would be helpful.

14 MR. LAIUPPA: Understood.

15 HEARING OFFICER MORISSETTE: Thank you.
16 Attorney Michaud, please continue.

17 MR. MICHAUD: Mr. Morissette, I have no
18 further questions for the town.

19 HEARING OFFICER MORISSETTE: Very good.
20 Thank you. We're going to take a break. We
21 will return at 3:50, and we will continue with
22 cross-examination by Rachel and Dana Schnabel.

23 [Off the record 3:39 p.m.]

24 [Back on the record 3:52 p.m.]

25 HEARING OFFICER MORISSETTE: We are going

1 to continue with the cross-examination of the
2 Town of Manchester by Rachel and Dana Schnabel.
3 I understand Rachel will be doing the
4 cross-examination. Rachel, good afternoon.

5 MS. SCHNABEL: Good afternoon, Mr.
6 Morissette and good afternoon everyone on the
7 call. My first question for the town is a
8 general question, anyone can answer from the
9 town, so since the town filed on April 9, 2024,
10 has the petitioner reached out to the town
11 regarding this petition?

12 MS. PILLA: No, not as far -- no.

13 MS. SCHNABEL: Again, since the town filed
14 on April 9, 2024, has the petitioner reached
15 out to the town regarding any other potential
16 sites to site a solar photovoltaic powered
17 generating facility?

18 MS. PILLA: No.

19 MS. SCHNABEL: Next question. So in the
20 petitioner's narrative on page four, the
21 petitioner purports that The project will
22 reduce air and water pollution associated with
23 fossil-fuel power plants improving local air
24 quality. Are there currently any fossil-fuel
25 plants in the Town of Manchester?

1 MS. PILLA: I'm sorry, I wasn't able to
2 hear that question. I'm not sure if it's my
3 internet. Can you all hear me?

4 MS. SCHNABEL: Yes.

5 MS. PILLA: Can you repeat the question?

6 MS. SCHNABEL: Sure. In the petitioner's
7 narrative on page four, the petitioner purports
8 that, Quote, The project will reduce air
9 quality and water pollution associated with
10 fossil-fuel power plants improving local air
11 quality. End quote.

12 Are there currently any fossil-fuel plants
13 in the Town of Manchester?

14 MS. PILLA: No.

15 MS. SCHNABEL: In the petition narrative,
16 page four, the petitioner states that The
17 project -- Quote, The project would allow the
18 town to help meet Connecticut loss to achieve a
19 hundred percent carbon free generation by 2040.
20 End quote. Is the town required to assist the
21 State of Connecticut in achieving their goal of
22 reaching a hundred percent carbon free
23 generation by 2040?

24 MS. PILLA: There's no municipal
25 requirement, no.

1 MS. SCHNABEL: Does the town have any
2 specific goals related to renewable energy that
3 would be aided by the installation of the
4 proposed facility?

5 MS. PILLA: I'm not certain if I can fully
6 answer that question without knowing what other
7 departments might be working on it. I'm sure
8 we have goals to either support and encourage
9 renewable energy use. I don't know if we have
10 any metrics waiting for it so that it might
11 meet other departments that I'm not familiar
12 with. But none that I'm aware of.

13 MS. SCHNABEL: Miss Pilla, in your
14 testimony, you stated that Quote, With a
15 maximum panel height of 6 feet at full tilt,
16 those evergreen trees will not provide any
17 visual screening for the neighboring houses
18 until they reach 40 feet in height. End quote.
19 Do you know at which rate Eastern red cedars
20 grow under ideal condition?

21 MS. PILLA: Approximately both American
22 holly and Eastern red cedar are what I would
23 consider medium growth rate species. And under
24 ideal conditions, I would expect a growth rate
25 of -- and maybe Mr. Laiuppa can correct me if

1 he disagrees. I would expect a growth rate of
2 less than a foot per year. I would anticipate,
3 depending on the size of the trees when they're
4 planted, it was proposed at 7 to 8 feet when
5 planted that it would take a couple of decades
6 to reach that height. Do you disagree with me?

7 MR. LAIUPPA: No. Again, we would have to
8 look at the conditions. Conditions vary from
9 site to site, including available water and
10 available sunlight and orientation of the sun.
11 And we're talking about slopes. There's a lot
12 of conditional variations. In general, they're
13 medium growth rate trees.

14 MS. SCHNABEL: Both of you, Mr. Laiuppa
15 and Miss Pilla, mentioned in your testimonies
16 concerns with edge habitat as was mentioned
17 earlier today. Do you anticipate that invasive
18 plant species will spread to the proposed
19 project site after construction?

20 MS. PILLA: I can't say with certainty of
21 course, but I would anticipate a high
22 probability, yes, because of the combination of
23 soil disturbance and the creation of edge
24 condition, which is prime opportunity for
25 invasives to establish.

1 MR. LAIUPPA: I'll add to that, that
2 according to the petitioner, there are
3 invasives on site already. The creation of
4 edge may give those existing plants an
5 opportunity to expand or to become more
6 densely -- have a more dense growth in addition
7 to the potential for additional invasive
8 classic plants.

9 MS. SCHNABEL: Part of the hearing that
10 took place on May 2, Mr. Carter asked the
11 petitioner a question related to mowing,
12 specifically as it relates to DEEP's
13 recommendation to avoid mowing between May 15
14 and September 15. Mr. Horton's response was --
15 stated that the proposed grass seed will have
16 low growth and that the sites they maintain are
17 typically on agricultural lands that have been
18 fertilized over many years and therefore cause
19 vegetation to grow excessively fast. Quote,
20 This is not going to be the case of this site
21 so I think it can easily reduce the mowing to
22 be without those timeframes. End quote.

23 If mowing does not occur from May 15
24 through September 15, do you anticipate
25 invasive plants will spread more quickly on the

1 site than if mowing occurred as originally
2 planned four times within the growing season?

3 MS. PILLA: Spread more quickly, I don't
4 know that I can say yes or no to that. I think
5 there's a lot of unknowns, including nutrients
6 in the soil. I think that any continued soil
7 disturbance certainly would encourage faster
8 spread, but I don't know to what degree the
9 frequency of mowing would have that effect. Do
10 you have anything to add?

11 MR. LAIUPPA: No. It's a difficult
12 scenario to comment on to sort of guess at.

13 MS. SCHNABEL: Okay. In Exhibit G, the
14 petitioner states that Within the red oak,
15 sugar maple transition forest, there contains
16 invasive mustard, garlic, Japanese, Barberry
17 and Oriental bittersweet. Exhibit G also
18 states that's there is multi floras present
19 within adjacent areas of the property. There's
20 also reference to combined species, such as
21 Virginia creeper. There was another native
22 vine species.

23 Do you have any concerns that any of these
24 invasives have the potential to grow higher
25 than the solar panels?

1 MS. PILLA: Some of those species do have
2 the potential to grow to that height, yes,
3 particularly multi flora rose and Bittersweet.

4 MS. SCHNABEL: Previous day of the hearing
5 on the second, Mr. Mercier asked, Quote, Under
6 what circumstances may herbicides be used?
7 End quote. Mr. Horton stated Quote, There is
8 no current use for it at all. It's put in
9 there only as a holding place that if we have
10 to use anything, but the only thing I can think
11 of ever being used would be to control a viny
12 substance. End quote. There's my notes.

13 As I mentioned before, Exhibit G
14 identifies Virginia creeper and green briar
15 vines present within the red oak sugar maple
16 transition forest. Would you consider Oriental
17 bittersweet, Virginia creeper and green briar
18 vines to be viny substances?

19 MR. LAIUPPA: Yes.

20 MS. SCHNABEL: Would you recommend
21 management of these plants with the use of
22 herbicides?

23 MR. LAIUPPA: In order to manage them,
24 yes.

25 MS. SCHNABEL: How would you recommend

1 management of these plants if you want to
2 provide any more specifics?

3 MR. LAIUPPA: Well, the -- I don't have
4 chemical labels in front of me, but under
5 standard practices, especially the Oriental
6 bittersweet, which is identified as an invasive
7 plant in Connecticut, the other two are native
8 plants, but if the desire was to prevent them
9 from growing onto the solar panels, then the
10 use of herbicides was required or was explored,
11 whatever the label recommendations are for that
12 control should be followed.

13 MS. SCHNABEL: Would you recommend
14 mechanical control over the use of herbicides?

15 MR. LAIUPPA: Not for Oriental
16 bittersweet.

17 MS. SCHNABEL: Okay. In the transcript
18 for day one of the hearing on May 2, 2024,
19 Mr. Golembiewski asked On any of your site
20 investigations, did you see any Eastern Box
21 turtles? Forgive me if I say anyone's names
22 wrong. Mr. Wojtkowiak stated We did not. We
23 investigated the site two days in July and one
24 day in September and of this investigation, no
25 Box turtles were identified. In the testimony

1 of Manchester Advocate's Responsible Solar
2 Development, MARSD, they stated that the turtle
3 does exist in this forest and referenced photos
4 of turtles provided in their Exhibit A. Have
5 either of you seen these photos provided in
6 MARSD's testimony?

7 MR. LAIUPPA: Miss Pilla lost her internet
8 connection. I have mine on now. I did hear
9 your full statement, but I didn't hear the
10 question at the end.

11 MR. SCHNABEL: Sure. Did you see the
12 photos of turtles that were provided in MARSD's
13 testimony, Exhibit A?

14 MR. LAIUPPA: Miss Pilla, did you see the
15 photos of the turtles?

16 MS. PILLA: Yes.

17 MS. SCHNABEL: Could either of you confirm
18 whether or not these turtles are Eastern Box
19 turtles?

20 MS. PILLA: I am not a herpetologist so
21 I'm hesitant to give my confirmation.

22 MR. LAIUPPA: Sorry, I didn't actually see
23 the photos. I can pull them up to look at
24 them. Bear with me while I pull them up. Yes,
25 I can confirm. I'm not a herpetologist, I'll

1 clarify that, but I am familiar with the
2 species and that does appear to be an Eastern
3 Box turtle.

4 MS. SCHNABEL: Mr. Laiuppa, in your
5 testimony when discussing concerns around loss
6 of habitat for the Box turtle, you stated,
7 Quote, Fragmentation of primary habitat is
8 considered to be a general issue that has real
9 potential to contribute to the decline of a
10 species of concern. End quote.

11 Would you consider that the same would
12 apply to the candidate species such as the
13 Tricolored bat that has recently been flagged
14 for the site as a federally proposed endangered
15 species?

16 MR. LAIUPPA: I would say that in general,
17 any species, especially those which are
18 stressed, would be more susceptible to habitat
19 change or fragmentation, if that helps answer
20 your question.

21 MS. SCHNABEL: Yes, it does.
22 Additionally, in your testimony, Mr. Laiuppa,
23 you stated, Quote, The observed and documented
24 large trees on site are likely candidates for
25 spring, summer and fall roosting sites for many

1 bats. End quote. Would you say such trees are
2 also good roosting candidates for the
3 Tricolored bat?

4 MR. LAIUPPA: In general, yes. It's not
5 proven or disproven that those bats exist on
6 site, but in general, those would be good
7 habitat.

8 MS. SCHNABEL: In the petitioner's
9 response to my interrogatories, along with my
10 husband's, item number 27, the petitioner
11 stated that Acoustic detection surveys for bat
12 species have not been undertaken and that it is
13 unknown if DEEP has performed an acoustic
14 survey in close proximity to the proposed
15 project within the past 12 months.

16 Do you know to what extent Connecticut
17 DEEP is actively working to identify the
18 location of federally protected bat species
19 throughout Connecticut?

20 MR. LAIUPPA: I do not.

21 MS. SCHNABEL: Would you say that the lack
22 of data for this site regarding acoustic
23 detection and the presence of the bats in the
24 area is part of the reason you would recommend
25 in your testimony that an acoustic detection

1 survey of the site be conducted?

2 MR. LAIUPPA: The lack of data in
3 correlation to the potentially suitable habitat
4 would be a good reason to do an acoustic
5 detection. It's not a requirement, but it
6 would be supportive of any projects to occur in
7 the location.

8 MS. SCHNABEL: In response to the town's
9 interrogatories, item number three, the
10 petitioner states Ultimately the proposed
11 conversion of the small core forest will create
12 a wildlife friendly fenced grassland that will
13 provide protection for small prey species,
14 providing grazing opportunities for a multiple
15 of species and provide areas for ground and
16 shrub nesting avian species. Only the largest
17 of Connecticut's and Manchester's wildlife
18 species will be excluded from the small area,
19 but will have access to nearly 2,000 plus acres
20 of forested habitat.

21 As I'm reading my question, I'm
22 recognizing that you've pretty thoroughly
23 addressed any disagreements that you might have
24 with that statement. But are there any other
25 comments you would like to provide regarding

1 that statement?

2 MS. PILLA: Yes. So, in addition to what
3 I already stated, I won't repeat what I already
4 stated. But in addition to that, I would note
5 they say -- when it's said that it would
6 provide grazing opportunities, I would note
7 that with the exception of rabbits, there are
8 no grazing species that could fit under the
9 6-inch gap in the fence. So most grazing
10 species would be excluded from the fenced area.
11 In terms of ground and shrub nesting avian
12 species, my understanding is that there will be
13 no shrubs within the fenced area so there will
14 be no shrub nesting species that will benefit.
15 In terms of ground nesting species, as I
16 mentioned earlier, they would only benefit if
17 they're actually allowed to stay. If
18 maintenance and operations protocols include
19 removing any nests that are found, then of
20 course they will not benefit.

21 And on the note that only the largest of
22 Connecticut's and Manchester's wildlife species
23 will be excluded, the largest species are also
24 the most significantly impacted by habitat
25 fragmentation due to their size and the amount

1 of habitat that they require in order to
2 sustain a viable population. As I said
3 earlier, in order to get to the Case Mountain
4 area which is the 2,000 plus acres, as
5 mentioned, they have to cross several roads and
6 a watercourse. Those are my concerns with
7 that.

8 MR. LAIUPPA: I'll add one more thing to
9 that. Regarding the large wildlife species,
10 again having access to nearly 2,000 plus acres
11 of forest and habitat, that's giving an
12 assumption that that habitat is available to
13 them. If we are to assume that say a bear is
14 living in an area and another bear wants to go
15 into that area, then that habitat, that area
16 may not be available. So when we have
17 competitive wildlife, they typically will find
18 their space and stay in their space or migrate
19 to lands that are available. So there's an
20 assumption in that statement that that 2,000
21 plus acres is available.

22 MS. PILLA: I also want to mention one
23 other thing that I alluded to earlier, but I'm
24 not sure I completely stated clearly, which is
25 that -- the assumption that small animals, prey

1 species specifically, will be provided
2 protection, I did mention that they may be
3 provided protection from terrestrial predatory
4 species, but not from avian predatory species.
5 I want to expand on that a little bit and note
6 that they will actually be more exposed to
7 avian and predatory species without tree cover.
8 So if they're in an open grass area, they will
9 be much more visible to predators and owls.

10 MS. SCHNABEL: Regarding cold water
11 habitat in Appendix E of the petition, it lists
12 that the nominal temperature of the proposed
13 solar panels is 43 degrees Celsius which is
14 109 degrees Fahrenheit and the maximum
15 operational temperature is 85 degrees Celsius
16 which is 185 degrees Fahrenheit.

17 Do either -- additionally, as shown in my
18 testimony, I reference that Exhibit G of the
19 petition states The offsite Birch Mountain
20 Brook watercourse does contain a wild trout
21 population. Additionally, the presence of
22 brook trout in Birch Mountain Brook is
23 documented in Connecticut DEEP stream/brook
24 classifications map which I provided as an
25 exhibit. And in Exhibit G of the petition, it

1 also states that The on-site watercourses are
2 considered cold water watercourses. Likewise,
3 the nearby Birch Mountain Brook is also within
4 the same cold water drainage basin. As an
5 additional exhibit of my own, I provided the
6 Connecticut DEEP's cold water stream habitat
7 map that shows that these wetlands are within
8 the cold water drainage basin that is connected
9 to Birch Mountain Brook. So knowing that these
10 solar panels will heat to a nominal temperature
11 of 109 degrees Fahrenheit with a maximum
12 operational temperature of 185 degrees
13 Fahrenheit, do either of you have concerns that
14 stormwater runoff from the solar panels could
15 increase the temperature of the cold water
16 drainage basin and the Birch Mountain Brook
17 cold water habitat?

18 MS. PILLA: Generally speaking, yes, I
19 would have concerns that runoff that touches
20 the solar panels of that temperature would be
21 certainly warm water. I can't speak to whether
22 it would cool -- I should say to what degree it
23 would cool by the time it reaches that brook.
24 Although, the wetland that is between the site
25 and that brook will reach much faster, so

1 there's a good likelihood that the water will
2 still be warmed by the time it reaches that
3 wetland. I would be more immediately concerned
4 about the immediate effect to any species in
5 that wetland. Would you agree with that?

6 MR. LAIUPPA: Yeah, I would agree with
7 that. The concern would be thermal loading.
8 And if the waters aren't properly categorized,
9 the lag time between runoff and the time at
10 which it gets into Birch Mountain Brook may not
11 be significant enough to cause overloading in
12 the brook. But as Miss Pilla stated, the more
13 immediate concern would be increased
14 temperatures in the adjacent wetland systems.

15 MS. SCHNABEL: On page one of the
16 geotechnical report, which is a supplemental
17 filing of the petitioner, it states that The
18 site is undeveloped, lightly wooded and
19 contains areas of wetlands. Would you agree
20 with the assessment that the site is lightly
21 wooded?

22 MS. PILLA: No. I would characterize the
23 site as heavily wooded.

24 MS. SCHNABEL: In the petitioner's
25 response to Mr. Welnicki's interrogatories,

1 item number 89, the petitioner stated that,
2 Quote, According to the historical aerial
3 photos referenced in Exhibit G Environmental
4 Assessment 3.4.1 Habitat Type Spread Oak Sugar
5 Maple Transition Forest, forest is expected to
6 reestablish within 15 to 20 years of the
7 decommissioning of the proposed project,
8 transitioning to an area dominated by trees
9 with sufficient canopy coverage. The
10 reestablishment of forest will, in turn,
11 reestablish the 300-foot core forest buffer to
12 the existing small core forest proposed to be
13 impacted by the project, increasing the total
14 acreage of core forest on site to existing
15 conditions. From that point on, the forest
16 will continue maturing.

17 Would you say that it is an accurate
18 assessment that the farmland was not abandoned
19 in the area on the site until 1970?

20 MS. PILLA: I do not know. I don't know
21 the answer to that.

22 MS. SCHNABEL: Would you agree that it
23 will take 15 to 20 years for the area to be
24 dominated by trees?

25 MS. PILLA: That could be correct. It

1 depends on certain conditions, soil conditions,
2 some sun conditions and all of that. What I
3 will state is the phrase dominated by trees
4 could -- will likely mean -- if we're talking
5 about 15 to 20 years, will likely mean saplings
6 or maybe not saplings, young trees,
7 significantly younger of course than what they
8 are now and significantly smaller. You can say
9 dominated by trees. It doesn't mean it's a
10 forest, certainly doesn't mean it's a mature
11 forest. Within 15 to 20 years, could there be
12 a lot of trees on the site that are emerging?
13 Yes. But I would not consider that a return to
14 the existing conditions. No.

15 MS. SCHNABEL: Would you agree that the
16 forest at that point in time would be
17 considered core forest again?

18 MS. PILLA: By the statutory definition of
19 core forest, yes, if the trees are large enough
20 for that ecosystem to be called a forest. If
21 the trees are still small enough that it's in a
22 transitional ecological state, it may not be
23 considered a forest yet. And if it's not
24 considered a forest yet, then no. If the trees
25 are large enough that the ecological state can

1 be considered a forest, a young growth forest,
2 if you will, then yes.

3 MS. SCHNABEL: How would the habitat at
4 that point in time, so the 15 to 20 years
5 later, compare to how it is now?

6 MS. PILLA: It would be significantly
7 different from what it is now. So again, it
8 may be that there would be a lot of trees that
9 are emerging at that time, but they would be
10 significantly smaller. It would be more of a
11 transitional ecosystem, probably dominated more
12 heavily by -- by that point, probably dominated
13 by a combination of woody shrubs and trees that
14 are just beginning to emerge if we're following
15 natural succession and you go from grassland to
16 shrub land and your trees -- your emergent
17 species would begin to take hold. And then you
18 would be moving into forest. Around that
19 stage, I would say you would probably be more
20 heavily dominated by woody shrubs with your
21 trees just starting to emerge. The ecosystem
22 therefore would be different. It may still be
23 a healthy ecosystem at that point, but it will
24 not be the ecosystem you have now because you
25 won't have the significant canopy, you'll have

1 a lot more sun reaching the ground. Basically
2 it will be hospitable most likely to a totally
3 different selection of species than the current
4 ecosystem.

5 MS. SCHNABEL: Approximately how many
6 decades would you anticipate, I think you
7 already touched on this, would you anticipate
8 that it would take for a mature forest to grow?

9 MS. PILLA: It's difficult to say how long
10 it would take for it to reach its current
11 successional stage because the best we can
12 estimate its age is based on that 1934 aerial
13 where we know that a portion of the site was
14 already forested, but we don't know how old
15 those trees were at that time. So I would say
16 relative to that, at least, how long ago was
17 that? 90 years or more.

18 MS. SCHNABEL: Okay. In the petitioner's
19 response to Mr. Welnicki's interrogatories,
20 item number 90, it was stated that No permits
21 will be required for the decommissioning phase.
22 Would a permit for the decommissioning of the
23 system be required under the town?

24 MS. PILLA: That's a very good question.
25 Because typically if we're talking about

1 activities that are within the municipal
2 jurisdiction, an Inland/Wetlands permit would
3 be required to remove the access driveway and
4 the associated culvert because at that point
5 you'd be having another ground of impact to the
6 wetland. I do not know however according to
7 state law whether municipal jurisdiction would
8 still apply at that point. As far as I know,
9 not a lot of these facilities have reached the
10 decommissioning point in the state yet, so I'm
11 unclear as to whether we would have municipal
12 jurisdiction or whether the Siting Council
13 would. But, if we had municipal jurisdiction,
14 an Inland/Wetlands permit would be required to
15 remove that culvert and that access driveway.

16 MS. SCHNABEL: And my last question is
17 regarding the answers you were providing to
18 Attorney Michaud earlier. Miss Pilla, you were
19 responding to the question related to a
20 potential conservation easement. It seemed
21 like there was more that you wanted to say.
22 Could you express what you wanted to say now?

23 MS. PILLA: Sure. In regards to the --
24 related to the Shenipsit Trail which I think
25 was what Attorney Michaud was getting at, I was

1 speaking from the point of view of the
2 recommendation from my pre written testimony
3 about financial compensation to the town for
4 the loss of the forest and how that relates to
5 a conservation easement. I was not speaking
6 about the trail. So, the trail is absolutely
7 an important resource. Hypothetically, could a
8 conservation easement preserve the area around
9 the trail in a state similar to what it is now?
10 Yes. As we mentioned before, I cannot speak to
11 whether the town would be amenable to that. I
12 want to be clear that I did not say that the
13 trail was irrelevant or unimportant or whatever
14 the term was that was used. Yeah. That's my
15 clarification.

16 HEARING OFFICER MORISSETTE: Excuse me,
17 Attorney Bachman, I got logged out of here.
18 Did the court reporter catch everything on the
19 record?

20 [Court Reporter Nodded.]

21 HEARING OFFICER MORISSETTE: Miss
22 Schnabel, are you all set?

23 MS. SCHNABEL: Yes, I am. Thank you, Mr.
24 Morissette.

25 HEARING OFFICER MORISSETTE: Thank you.

1 We will continue with cross-examination of the
2 Town of Manchester by the Manchester Advocates
3 for Responsible Solar Development.

4 Cross-examination by Rosemary Carroll. Miss
5 Carroll, good afternoon.

6 MS. CARROLL: Good afternoon. I only have
7 one question. That's to Megan. Megan, you had
8 the prefiled testimony in number eight. You
9 talked about potential fire risk. Did the fire
10 marshal -- you've stated that the fire marshal
11 said that they would just monitor a fire and
12 use water. Did he mention anything else about,
13 you know, possible wildfires because it is in a
14 core forest and what the smoke was going to be
15 like if, you know, there was a fire? That's
16 the concern of mine.

17 MS. PILLA: He did not -- in my
18 conversations with the fire marshal, he did not
19 mention anything about smoke. What he
20 described to me was that if there was a fire at
21 a facility like this, water would not be used,
22 the fire would be allowed to burn out under
23 careful watch by the fire department to prevent
24 any spreading to the best of their ability. I
25 have a concern with the location of the

1 facility like this within a forest because of
2 the potential for spreading. If conditions
3 were dry, there is certainly a potential that a
4 fire could easily spread to the forest itself.
5 However, we did not discuss the smoke that
6 would result from that, no.

7 MS. CARROLL: Did he talk about, you know,
8 if there was a solar fire, would they have to
9 bring in outside help outside of the Manchester
10 Fire Department to help, you know, monitor this
11 because of the size of the facility?

12 MS. PILLA: He did not say anything to me
13 about that, no.

14 MS. CARROLL: Okay. Well, since you are a
15 zoologist or whatever, would the smoke and the
16 fire affect the animals and the wildlife?

17 MS. PILLA: Hypothetically if there was a
18 fire that caused smoke, yes, it would certainly
19 affect any living being in the immediate
20 vicinity.

21 MS. CARROLL: That's all I have, Mr.
22 Morissette.

23 HEARING OFFICER MORISSETTE: Thank you,
24 Miss Carroll. We will continue with
25 cross-examination of the Town of Manchester by

1 Raymond Welnicki. Raymond Welnicki, good
2 afternoon or good evening. I'm sorry, you're
3 still on mute.

4 MR. WELNICKI: I'd like to begin by asking
5 a few questions to Miss Pilla. So, you were
6 asked the question or two about the observed
7 flooding on Amanda Drive, and I believe that
8 you were asked if the town had considered any
9 efforts to possibly mitigate the potential
10 damage to Amanda Drive. And if the town were
11 to mitigate any flooding on the sidewalk on
12 Amanda Drive, would they also pick up the
13 expense to mitigate any flooding on the
14 property itself of the owners? So, the
15 flooding occurs upstream from the sidewalk. Is
16 that correct?

17 MS. PILLA: Yes.

18 MR. WELNICKI: Would the town not only fix
19 the sidewalk or put a pipe underneath the
20 sidewalk, would the town also provide a
21 mitigation of the flooding on the property of
22 the property owner?

23 MS. PILLA: I'll preface this by saying I
24 can't speak on behalf of the town and that
25 decision being made. What I will say is

1 typically no, the town would not do any --
2 usually do any mitigation on private property.
3 And in fact, that is the primary reason why to
4 this point there are no plans for mitigation
5 because the source of that flooding is a seep
6 that is on private property. So the town at
7 this time doesn't really have any ability to do
8 much to mitigate that. In terms of the effect
9 that it has on the public infrastructure, the
10 sidewalk, could we do something to try to
11 divert the water away from the sidewalk? Yes.
12 But because the seep is not on town property
13 and the town typically does not do mitigation
14 work on town property -- excuse me, on private
15 property, that's why we are limited in our
16 ability now to pursue a remedy to that.

17 MR. WELNICKI: Thank you. If the seep
18 expanded, I believe it's right next to that
19 property owner's driveway, if it expanded and
20 caused damage to the driveway, your answer
21 would be the same, that the town would
22 typically not pick up the expense of repairing
23 that property owner's driveway. Is that
24 correct?

25 MS. PILLA: Correct.

1 MR. WELNICKI: I have a question relative
2 to the conservation, permanent conservation
3 easement that you were asked about. If TRITEC
4 did enter into some kind of agreement and there
5 was a permanent conservation easement for the
6 area outside of the project development, will
7 your concerns about the project development
8 still remain relative to habitat, potential
9 flooding, etc?

10 MS. PILLA: Yes.

11 MR. WELNICKI: So a conservation easement
12 would not alleviate those concerns?

13 MS. PILLA: Correct.

14 MR. WELNICKI: I think you were also asked
15 about the cost benefit of the project. You
16 were asked about whether you would agree or
17 disagree with the notion that the net benefits
18 might be there, that the cost might not
19 outweigh the potential benefits. To your
20 knowledge, would the benefits of this solar
21 facility, a solar facility of this size, would
22 those same benefits be available if it were
23 built at a different site?

24 MS. PILLA: To my knowledge, yes.

25 MR. WELNICKI: And from the cost

1 standpoint or the adverse impact standpoint, is
2 it possible that if it were built at a
3 different site, those adverse impacts would not
4 be there? Correct?

5 MS. PILLA: Absolutely. If it was built
6 at a site that did not have the same forest and
7 wetland, etc., it could potentially have less
8 adverse effect.

9 MR. WELNICKI: So a cost benefit needs to
10 be looked at in a way that says the benefits if
11 you build it at this site compared to other
12 sites and the adverse impact if you build it at
13 this site compared to other sites. Is that
14 correct, in your view?

15 MS. PILLA: So, I see what you're getting
16 at. And yes, although I would say yes, with
17 the caveat that I don't know that -- how do I
18 say this? To what degree can I tell someone to
19 look at another site? I don't know the
20 particulars of why they are looking at this
21 site. I know what they've stated, but in terms
22 of agreements with the property owner, it could
23 very well be that they can't find that type of
24 agreement on another site that might preclude
25 them from looking at another site.

1 MR. WELNICKI: Let me ask the question a
2 little bit differently. Are you aware of
3 anything in the petition that compares the net
4 benefits of doing it at this site as compared
5 to any other site?

6 MS. PILLA: No, I'm not aware of anything
7 in the petition that references any other
8 sites.

9 MR. WELNICKI: Thank you. In your
10 testimony, your file testimony, you referenced
11 a 2020, 2020 DEEP solar permitting fact sheet.

12 MS. PILLA: Yes.

13 MR. WELNICKI: And you quoted that guide
14 as stating that A solar energy generating
15 facility should not be located in the core
16 forest. Do you remember that?

17 MS. PILLA: Yes.

18 MR. WELNICKI: And you also stated that
19 that fact sheet recommended a 300-foot wetland
20 buffer to protect core forest connectivity and
21 function. Is that correct?

22 MS. PILLA: Yes.

23 MR. WELNICKI: That was issued in 2020.
24 And since that time, there have been quite a
25 few, a number of solar electrical generating

1 facilities proposed and approved in
2 Connecticut, getting permits from DEEP, so I
3 would imagine that DEEP has more experience in
4 this area. Are you aware of the DEEP has
5 updated that particular solar permitting fact
6 sheet? Are you aware of that?

7 MS. PILLA: Not that I'm aware of, no.

8 MR. WELNICKI: Apparently the 2024 fact
9 sheet, would it surprise you to learn that
10 those very same guidelines that you quoted
11 continue in forests?

12 MS. PILLA: That would not surprise me,
13 no.

14 MR. WELNICKI: You were asked also, maybe
15 it was you, Mr. Laiuppa, about the zone change
16 that occurred when the Amanda Drive extension
17 was built. And I think there was an
18 implication or an inference in the question
19 that maybe the town, you and Mr. Laiuppa are
20 treating this a little differently, solar
21 generated facility, a little differently than a
22 residential development. But any zone change
23 for building houses would be different than a
24 zone change for building a facility like this.
25 Right? This would be an industrial zone

1 change?

2 MS. PILLA: Actually, a facility like
3 this, specifically like this, would not be
4 permitted in any zone in Manchester. So there
5 would be no zone change that would allow for
6 this.

7 MR. WELNICKI: So the comparison of
8 whether you're treating this differently, the
9 fact is you are treating it differently for a
10 good reason. Is that correct?

11 MS. PILLA: Yes, I would agree with that.
12 Yes.

13 MR. WELNICKI: Thank you. Let me move
14 over to Mr. Laiuppa.

15 MS. PILLA: I'm sorry. Mr. Welnicki, one
16 thing I should mention, hypothetically, the
17 only way that a facility like this could be
18 allowed, an applicant or a petitioner or excuse
19 me, a proposer could apply for a variance to
20 allow it, but they would have to prove some
21 sort of hardship as created by strict
22 application of the zoning regulations. I just
23 want to clarify because that is the one avenue
24 that could allow for this type of facility.

25 MR. WELNICKI: Thank you. This doesn't

1 reflect any bias to your knowledge of the town.
2 The town in fact has been proactive in pursuing
3 solar development, hasn't it?

4 MS. PILLA: Yes. The town strongly
5 encourages solar projects, particularly on
6 solar canopies over existing parking lots that
7 are already paved, and rooftop solar. And of
8 course, solar arrays are permissible on private
9 property or to serve the building on the
10 property. It's just facilities like this that
11 are independently operated and feeding back
12 into the grid that are not serving a building
13 on that property. Those are the types that are
14 not permitted.

15 MR. WELNICKI: Do you know, if, from your
16 knowledge of talking with other town officials
17 if the town would in fact welcome discussions
18 with the petitioner about alternative sites?

19 MS. PILLA: To the extent that they would
20 be permissible by our zoning regulations, yes.

21 MR. WELNICKI: Thank you. Mr. Laiuppa, in
22 your testimony, you raised concerns about what
23 you call unaccounted impacts to existing
24 conditions. And I believe Attorney Michaud was
25 questioning you somewhat about that because you

1 were raising some concerns about an increase in
2 discharge to the wetlands. And he asked if you
3 were aware of the stormwater management report,
4 which I believe he used the term reduce the
5 amount of flooding or some such thing. In
6 fact, are you aware of whether that stormwater
7 management report measured the volume of water
8 entering into the wetlands today versus the
9 volume of water entering the wetland post
10 development?

11 MR. LAIUPPA: To my knowledge, there is --
12 I don't know of that data existing. It may be
13 there, but I didn't come across it.

14 MR. WELNICKI: I believe he was referring
15 to the report that basically looked at what
16 they would call EDA1A and EDA1B, total of
17 12-point-something acres and comparing that
18 predevelopment and post development, but I
19 don't recall seeing it. That's why I'm asking
20 you. I don't recall seeing anything in that
21 report that pinpointed the amount of discharge
22 to any particular property, abutting property
23 or any particular location such as a wetland,
24 do you?

25 MR. LAIUPPA: You're talking specifically

1 to data collected for point discharge at the
2 wetlands.

3 MR. WELNICKI: Right.

4 MR. LAIUPPA: The stormwater report
5 focused on rate of discharge, not volume of
6 discharge. To my knowledge, there was no data
7 for that specific point.

8 MR. WELNICKI: To your knowledge, was
9 there data about the discharge that occurs
10 naturally today, the volume of water coming
11 into the wetlands today? Did you see anything
12 in the report that addressed that?

13 MR. LAIUPPA: No.

14 MR. WELNICKI: Thank you. Your conclusion
15 in your testimony was that there's likely to be
16 greater post development groundwater volume
17 than currently. Correct?

18 MR. LAIUPPA: Yes. We'll say the
19 stormwater report didn't adequately address
20 groundwater volume or flow rates. Without
21 having the baseline data for what's there now,
22 including the flow patterns, it would be
23 difficult to say whether or not there's impact
24 from the project, but it is a sort of a
25 commonly accepted point to make that when you

1 remove vegetation, there's less vegetative
2 uptake of groundwater. I can't say yes or no,
3 that the project will impact the groundwater
4 data -- or the groundwater flow patterns, rates
5 or volumes. But the data doesn't exist to
6 prove otherwise.

7 MR. WELNICKI: Thank you. You also talked
8 about the excess loading of the volume into the
9 wetland and you indicated that could cause an
10 expansion of the footprints of the wetland,
11 including the footprints that already extend
12 onto some neighboring properties. Is that
13 correct?

14 MR. LAIUPPA: Yes. That's a potential.
15 The other potential is the water moves faster
16 through the existing wetlands and exits the
17 wetland. The two potential scenarios of adding
18 water to the wetland system is the expansion of
19 that wetland system or the increased velocity
20 through which the water flows through the
21 wetland system.

22 MR. WELNICKI: So, I understand the part
23 about the increase in the flow through the
24 wetland potentially flooding downslope. Would
25 the expansion itself of the wetland, wouldn't

1 that also provide a greater area over which you
2 get that effect. In other words, you have
3 today's wetland as it exists and you have a
4 loading of water into there that flows through
5 it. Then you have an expansion of the wetland,
6 which causes its own questions and issues. But
7 when you expand it, then any precipitation
8 hitting that part of the wetland will also flow
9 faster, correct, farther downstream?

10 MR. LAIUPPA: Yes. It's not as
11 straightforward as that, because there's the
12 potential that the absorptive qualities of the
13 wetland also increase. So as you increase the
14 footprint of the wetland, it will change the
15 character and the vegetation within there which
16 have the potential to have a higher absorptive
17 quality than a smaller footprint. There is
18 that potential. We can't look at the wetland
19 as surface water where if you put a drop of
20 water in there, it shoots through it. You have
21 to consider the other factors of the wetlands.

22 MR. WELNICKI: You also talked about if
23 the wetland expands and it expands onto a
24 existing property owner's property or expands
25 the existing wetland on that property, then

1 you're increasing a regulated resource. And
2 regulated resources such as wetlands carry
3 restrictions. I think you referred to that.

4 MR. LAIUPPA: Yes. It's not just on that
5 parcel. Because the Town of Manchester has a
6 100-foot upland review area, any expansion of
7 that wetland, if it did occur whether on the
8 property or off the property, will increase the
9 buffer location for the upland review area so
10 the wetland itself would be regulated as well
11 as the upland review area which would cause an
12 undue burden on the property owner if they
13 wanted to do something on their property in the
14 future.

15 MR. WELNICKI: If this were not under
16 Siting Council jurisdiction, it was under the
17 town's jurisdiction and you were involved in
18 looking at a proposal, would you take into
19 account this burden that one or two property
20 owners might have to bear as a result of this?

21 MR. LAIUPPA: Yes. Under a typical
22 wetland application, part of the review process
23 is addressing indirect and cumulative effects
24 of projects. One of those considerations would
25 be what, if any, impacts would the project have

1 on adjacent properties?

2 MR. WELNICKI: That is something that you
3 would take into account if this were regulated
4 by the town. Do you know if that's something
5 that's in the permit requirements, general
6 permit requirements by DEEP?

7 MR. LAIUPPA: I don't know if that's part
8 of DEEP's permit requirements.

9 MR. WELNICKI: Okay. Now, my last
10 question is, I believe you wanted to say
11 something relative to Attorney Michaud's
12 question about the conservation easement. I
13 think he originally asked the question as
14 though either or both of you, and Miss Pilla,
15 could respond and then when you wanted to
16 respond or say something, he didn't allow it.
17 Is there anything you wanted to say about that?

18 MR. LAIUPPA: That was in regard to the
19 Shenipsit Trail. Basically I would reiterate
20 my statement in my prefiled testimony. But
21 basically what it boils down to is that I think
22 that whatever agreement may be in place between
23 the property owner and the Shenipsit Trail
24 organizers should be followed. I would think
25 that that would also include the intent of the

1 trail. So some trails are built, you know, to
2 get you from here to there. Others, the intent
3 is to offer a certain landscape or view shed
4 from the trail. So whatever the intent of the
5 Shenipsit Trail is should be followed in
6 accordance with whatever agreement may be in
7 place.

8 MR. WELNICKI: I have one additional
9 question. If I for some reason wanted to
10 create a pond or built a pool on my property, I
11 assume I have to have a fence around it. Is
12 that correct?

13 MR. LAIUPPA: Yes, I believe for --

14 MS. PILLA: Swimming pools.

15 MR. LAIUPPA: -- swimming pools?

16 MR. WELNICKI: Swimming pools.

17 MR. LAIUPPA: Yes.

18 MR. WELNICKI: If I wanted to have a pond
19 of some kind, 3- or 4-foot pond, deep pond,
20 would the same requirements apply?

21 MR. LAIUPPA: No.

22 MR. WELNICKI: Regardless of the size of
23 that pond?

24 MR. LAIUPPA: Correct.

25 MR. WELNICKI: Thank you. That's all the

1 questions I have. Thank you very much.

2 HEARING OFFICER MORISSETTE: Thank you,
3 Mr. Welnicki. That concludes our hearing for
4 today. We have one late file that the Town of
5 Manchester has taken on to go back and
6 determine the town's position with regards to
7 TRITEC's proposals that were made here this
8 afternoon. That is going to be late file one
9 for this afternoon.

10 The Council announces that it will
11 continue the evidentiary session of this
12 hearing on July 23, 2024 at 2:00 p.m. via Zoom
13 remote conferencing. A copy of the agenda for
14 the continued evidentiary hearing session will
15 be available on the Council's petition number
16 1609 web page, along with a record of this
17 matter, the public hearing notice, instructions
18 for public access to the evidentiary hearing
19 session and the Council's Citizens' Guide to
20 Siting Council's procedures.

21 Please note that anyone who has become a
22 party or intervener but has not become a party
23 or intervener but who desires to make his or
24 her views known to the Council may file written
25 statements with the Council and the public

1 until the public comment record is closed.
2 Copies of the transcript of this hearing will
3 be filed in the Manchester Town Clerk's office
4 for the convenience of the public. I hereby
5 declare this hearing adjourned. Thank you
6 everyone for your participation. Good evening.

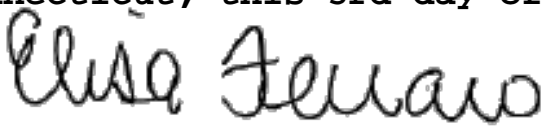
7 [Hearing was adjourned at 4:54 p.m.]
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1 STATE OF CONNECTICUT :
2 : CHESHIRE
3 COUNTY OF NEW HAVEN :
4

5 I, Elisa Ferraro, LSR, and Notary Public for the
6 State of Connecticut, do hereby certify that the
7 preceding pages of the Siting Council Hearing on Petition
8 1609 were stenographically recorded by me on Tuesday, May
9 21, 2024, commencing at 2:00 p.m.

10 I further certify that I am not related to
11 the parties hereto or their counsel, and that I am not
12 in any way interested in the events of said cause.

13 Dated at New Haven, Connecticut, this 3rd day of
14 June 2024.



15 _____
16 Notary Public

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18 My Commission Expires: December 31, 2026.
19 License No. 233
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