ORIGINAL

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

TRITEC AMERICAS, LLC
PETITION 1609
HEARING DAY 1

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

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

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

VIA ZOOM

CONNECTICUT SITING COUNCIL
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Robert Silvestri
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MICHAUD LAW GROUP
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BY: PAUL MICHAUD, ESQUIRE
[For the Petitioner TRITEC AMERICAS, LLC]

SOLLI ENGINEERS:

Kevin Solli
Cameron Hendry
Eric Labatte

HORTON ELECTRICAL SERVICES:

Warren Horton

WILLIAM KENNY ASSOCIATES:

William Kenny
Alexander Wojtkowiak

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

Transcript Legend

[sic]	**- Exactly as said.**
[phonetic]	**- Exact spelling not provided.**
[--]	**- Break in speech continuity and/or interrupted sentence.**
[...]	**- Indicates omission of word[s] when reading OR trailing off and not finishing a sentence.**

[On the record 2:00 p.m.]

HEARING OFFICER MORISETTE: Good afternoon ladies and gentlemen. Can everyone hear me okay? This public hearing is called to order this Thursday, May 2, 2024 at 2:00 p.m. My name is John Morissette, member and presiding officer of the Connecticut Siting Council. Other members of the Council are Brian Golembiewski, designee for Commissioner Katie Dykes of the Department of Energy and Environmental Protection; Quat Nguyen, designee for Chairman Marissa Paslick Gillett of the Public Utilities Regulatory Authority; Robert Silvestri, Chance Carter and Khristine Hall.

Good afternoon, Miss Hall, and welcome to the Siting Council. I'll take this opportunity to welcome you to our group.

MS. HALL: Thank you, I'm delighted to be here and look forward to working with you all.

HEARING OFFICER MORISSETTE: Thank you. We look forward to working with you.

Members of the staff are Executive Director Melanie Bachman, Siting Analyst Robert Mercier and Administrative Support Lisa

Fontaine, and Dakota LaFountain.

If you haven't done so already, I ask that everyone please mute their telephones and audios on your computers now. Thank you.

This hearing is held pursuant to provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon a petition from TRITEC Americas, LLC for a declaratory ruling pursuant to Connecticut General Statutes §4-176 and §16-50k for the proposed construction, maintenance and operation of a 0.999-megawatt AC photovoltaic electric generating facility located at 250 Carter Street in Manchester, Connecticut, along with its associated electrical interconnection. This petition was received by the Council on January 26, 2024. The Council's legal notice of the date and time of this public hearing was published in the Journal Inquirer on March 30, 2024. On this Council's request, petitioner erected a sign in the vicinity of the proposed site so as to inform the public of the name of the petitioner, the type of facility, the public hearing date and contact information for

the Council, including the website and phone number.

As a reminder to all, off the record communication with a member of the Council or a member of the Council staff on the merits of this petition is prohibited by law. The parties and interveners to the proceeding are as follows:

The petitioner, TRITEC Americas, LLC, represented by Paul R. Michaud, Esquire, Bernadette Antaki, Esquire and Dylan Gillis, Esquire of Michaud Law Group, LLC. We have a party, the Town of Manchester, represented by John F. Sullivan, Esquire, Manchester Corporation Counsel. We have interveners Rachel and Dana Schnabel, interveners Manchester Advocates for a Responsible Solar Development, represented by Rosemary Carroll and we have a party, Raymond Welnicki.

We will proceed in accordance with the prepared agenda, a copy of which is available on the Council's petition number 1609 web page, along with the record of this matter, the public hearing notice, instructions for public access to this public hearing and the Council's

Citizens Guide to Siting Council's Procedures. Interested persons may join any session of this public hearing to listen, but no public comments will be received during the 2:00 p.m. evidentiary session. At the end of the evidentiary session, we will recess until 6:30 p.m. for the public comments session. Please be advised that any person may be removed from the evidentiary session or public comments session at the discretion of the Council. At the 6:30 p.m. public comments session, we will be reserved for members of the public who have signed up in advance to make brief statements into the record. I wish to note that the petitioner, parties and interveners, including their representatives and witnesses, are not allowed to participate in the public comment session. I also wish to note for those who are listening and for the benefit of your friends and neighbors who are unable to join us for the public comment session, that you or they may send written statements to the Council within 30 days of the date hereof either by mail or by email; and such written statements will be given the same

weight as is spoken during the public comment session. We're making a verbatim transcript of this public hearing, will be posted on the Council's petition number 1609 web page and deposited with the Manchester Town Clerk's office for the convenience of the public. Please be advised that the Council does not issue permits for stormwater. If the proposed project is approved by the Council, the Department of Energy and Environmental Protection, also known as DEEP, stormwater permit is independently required. DEEP could hold public hearings on a stormwater permit if they desire. The Council will take a 10- to 15-minute break at a convenient juncture around 3:30 p.m.

At this point, we will take administrative notices taken by the Council. I wish to call your attention to the items shown on the hearing program, marked as Roman numerals IB, items 1 through 94. Does the petitioner or any party or intervener have an objection to the items that the Council has administratively noticed? Attorney Michaud? You're still on mute.

MR. MICHAUD: I apologize for that. Good afternoon, Mr. Morissette. Our petitioner has no objections.

HEARING OFFICER MORISSETTE: Thank you, Attorney Michaud. Attorney Sullivan?

MR. SULLIVAN: No objections, sir.

HEARING OFFICER MORISSETTE: Thank you. Rachel Schnabel?

MS. SCHNABEL: [Nodding head.]

HEARING OFFICER MORISSETTE: No objections. Okay. Please note for the record that Rachel was nodding no objection. Very good. Rosemary Carroll?

MS. CARROLL: No objection.

HEARING OFFICER MORISSETTE: Raymond Welnicki?

MR. WELNICKI: No objection.

HEARING OFFICER MORISSETTE: Very good. Thank you. Accordingly, the Council hereby administratively notices these existing documents fully on the agenda to the appearance by the petitioner. Will the petitioner present its witness panel for purposes of taking the oath. We will have Attorney Bachman administer the oath. Attorney Michaud.

MR. MICHAUD: Thank you. Petitioner will have eight witnesses today, Howie Reed, Kevin Solli, Eric Labatte, Cameron Hendry, Bill Kenny, Alexander Wojtkowiak, Jackson Smith and Warren Horton.

HEARING OFFICER MORISSETTE: Thank you, Attorney Michaud. Attorney Bachman, please administer the oath.

MS. BACHMAN: Thank you, Mr. Morissette. If the witnesses could please raise their right hand.

[Whereupon, All Witnesses, having first been duly sworn, was examined and testified as follows:]

HEARING OFFICER MORISSETTE: Thank you, Attorney Bachman, and thank you all. Attorney Michaud, please begin by verifying all the exhibits by the appropriate sworn witnesses.

MR. MICHAUD: Okay, thank you. So, the petitioner has eight exhibits they intend to put into record today. I think they're listed or they were corrected in the hearing program under Roman numeral II, section B. So Exhibit, we'll call Exhibit B1 is the petition itself. This petition is sponsored by all eight

witnesses, and I can introduce each -- I would like to introduce each exhibit separately, if that's okay with you, Mr. Morissette.

HEARING OFFICER MORISSETTE: Certainly. Please continue.

MR. MICHAUD: In speaking to the petitioner's eight witnesses, I'm going to ask each of you the same four questions one at a time and you will respond to each question. So, to begin with, we'll begin with Mr. Reed.

Mr. Reed, did you prepare or assist Exhibit B1, the petition itself?

MR. REED: Yes, I did.

MR. MICHAUD: And is this exhibit accurate to the best of your knowledge and belief?

MR. REED: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. REED: No, I do not.

MR. MICHAUD: And do you adopt it as your sworn testimony here today?

MR. REED: I do.

MR. MICHAUD: Thank you, Mr. Reed.

Mr. Solli, same questions. Did you prepare or assist in preparing Exhibit B1?

MR. SOLLI: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. SOLLI: Yes, it is.

MR. MICHAUD: Do you have any changes to it now?

MR. SOLLI: No, I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. SOLLI: I do.

MR. MICHAUD: Thank you, Mr. Solli.

Mr. Labatte, did you prepare or assist in preparing Exhibit B1?

MR. LABATTE: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. LABATTE: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. LABATTE: No, I don't.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. LABATTE: Yes.

MR. MICHAUD: Thank you, Mr. Labatte.

Mr. Hendry, did you prepare or assist in

preparing Exhibit B1?

MR. HENDRY: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HENDRY: Yes, it is.

MR. MICHAUD: Do you have any changes to it now?

MR. HENDRY: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. HENDRY: I do.

MR. MICHAUD: Thank you, Mr. Hendry.

Mr. Kenny, did you prepare or assist in preparing Exhibit B1?

MR. KENNY: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. KENNY: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. KENNY: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. KENNY: I do.

MR. MICHAUD: Thank you, Mr. Kenny.

Mr. Wojtkowiak, did you prepare or assist in preparing Exhibit B1?

MR. WOJTKOWIAK: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. WOJTKOWIAK: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. WOJTKOWIAK: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. WOJTKOWIAK: Yes, I do.

MR. MICHAUD: Thank you, Mr. Wojtkowiak.

Mr. Smith, did you prepare or assist in preparing Exhibit B1?

MR. KENNY: Attorney Michaud, this is Bill Kenny. Mr. Smith will not be testifying. Mr. Wojtkowiak and myself will be representing.

MR. MICHAUD: Thank you for clarity. We will move on to Mr. Horton. Did you prepare or assist in preparing Exhibit B1?

MR. HORTON: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HORTON: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. HORTON: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. HORTON: I do.

MR. MICHAUD: Thank you, Mr. Horton.

Mr. Morissette, with that, I would ask that the Council accept Exhibit B1 into the record.

HEARING OFFICER MORISSETTE: Thank you. Please continue with the identification of the additional exhibits please.

MR. MICHAUD: Okay. Certainly. We're going to move on to Exhibit B2. This is the petitioner's responses to the Council with interrogatories set one that was dated April, I believe, 23, 2024. Again, I'm going to ask the same questions to all eight witnesses as a panel, excuse me, all seven witnesses.
Mr. Reed, did you prepare or assist in preparing Exhibit B2?

MR. REED: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. REED: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. REED: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. REED: I do.

MR. MICHAUD: Thank you, Mr. Reed.

Mr. Solli, did you prepare or assist in preparing Exhibit B2?

MR. SOLLI: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. SOLLI: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. SOLLI: No, I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. SOLLI: Yes, I do.

MR. MICHAUD: Thank you, Mr. Solli.

Mr. Labatte, did you prepare or assist in preparing Exhibit B2?

MR. LABATTE: Yes.

MR. MICHAUD: Is it accurate to the best

of your knowledge and belief?

MR. LABATTE: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. LABATTE: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. LABATTE: Yes.

MR. MICHAUD: Thank you, Mr. Labatte.

Mr. Hendry, did you prepare or assist in preparing Exhibit B2?

MR. HENDRY: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HENDRY: Yes, it is.

MR. MICHAUD: Do you have any changes to it now?

MR. HENDRY: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. HENDRY: Yes.

MR. MICHAUD: Thank you Mr. Hendry.

Mr. Kenny, did you prepare or assist in preparing Exhibit B2?

MR. KENNY: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. KENNY: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. KENNY: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. KENNY: I do.

MR. MICHAUD: Thank you, Mr. Kenny.

Mr. Wojtkowiak, did you prepare or assist in preparing Exhibit B2?

MR. WOJTKOWIAK: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. WOJTKOWIAK: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. WOJTKOWIAK: No, I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. WOJTKOWIAK: Yes, I do.

MR. MICHAUD: Thank you. Lastly, Mr. Horton, did you prepare or assist in preparing Exhibit B2?

MR. HORTON: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HORTON: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. HORTON: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony today?

MR. HORTON: I do.

MR. MICHAUD: Thank you, Mr. Horton. We're going to move to Exhibit B3, which is identified as the prefiled written testimony of Howie Reed, TRITEC Americas, LLC. This question is only for you, Howie, for your testimony.

Mr. Reed, did you prepare or assist in preparing Exhibit B3?

MR. REED: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. REED: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. REED: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. REED: I do.

MR. MICHAUD: Thank you, Mr. Reed. The next exhibit we would like to introduce is Exhibit B4. This is the sign posting affidavit by Howie Reed. Again, Mr. Reed, did you prepare or assist in preparing Exhibit B4?

MR. REED: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. REED: Yes, it is.

MR. MICHAUD: Do you have any changes to it now?

MR. REED: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. REED: I do.

MR. MICHAUD: Thank you, Mr. Reed. Next we're going to move on to Exhibit B5, which is the prefiled written testimony of Solli Engineering, LLC, and I'm going to ask the three consultants from Solli Engineering, Mr. Solli, Mr. Labatte and Mr. Hendry the same questions.

HEARING OFFICER MORISSETTE: Excuse me, Attorney Michaud, for one moment. The hearing program has four exhibits. Attorney Bachman, were there additional exhibits filed in this matter?

MS. BACHMAN: Mr. Morissette, as a matter of fact, about 12:37 today, new exhibits -- they weren't exactly new exhibits. Unfortunately we did not break up the prefiled testimonies of these four witnesses so we weren't able to encapsulate that into the hearing program today, but certainly we can break up the additional three witness' prefiled testimony for the next hearing. But right now the Exhibit number 3 is actually the prefiled testimonies of four witnesses. I'm sure Attorney Michaud can clarify.

MR. MICHAUD: Yes.

HEARING OFFICER MORISSETTE: Very good. If we could have those three additional witnesses swear to their testimony, that would work. Thank you. Please continue, Attorney Michaud.

MR. MICHAUD: Just to clarify, we have four sets of -- we have three more sets of

testimony, so I will go through each one. Is that what you're saying I should do?

HEARING OFFICER MORISSETTE: Yes. Please continue.

MR. MICHAUD: In regard to Exhibit B5 Mr. Solli, did you prepare or assist in preparing Exhibit B5?

MR. SOLLI: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. SOLLI: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. SOLLI: I do not.

MR. MICHAUD: Do you adopt it as your sworn prefiled written testimony here today?

MR. SOLLI: I do.

MR. MICHAUD: Thank you.

Mr. Labatte, same question, did you prepare or assist in preparing Exhibit B5?

MR. LABATTE: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. LABATTE: Yes.

MR. MICHAUD: Do you have any changes to

it now?

MR. LABATTE: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. LABATTE: Yes.

MR. MICHAUD: Thank you. Mr. Hendry, did you prepare or assist in preparing Exhibit B5?

MR. HENDRY: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HENDRY: Yes, it is.

MR. MICHAUD: Do you have any changes to it now?

MR. HENDRY: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. HENDRY: Yes.

MR. MICHAUD: Thank you, Mr. Hendry. So Mr. Morissette, this may not be reflected in the current document, but the next set of witnesses is from William Kenny Associates and there are three witnesses, Bill Kenny, Alexander Wojtkowiak -- two witnesses. Those two. I'll ask them the same questions.

Mr. Kenny, did you prepare or assist in

preparing Exhibit B6, which was the prefiled written testimony?

MR. KENNY: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. KENNY: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. KENNY: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. KENNY: I do.

MR. MICHAUD: Thank you, Mr. Kenny. Mr. Wojtkowiak, did you prepare or assist in preparing Exhibit B6?

MR. WOJTKOWIAK: Yes, I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. WOJTKOWIAK: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. WOJTKOWIAK: No, I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. WOJTKOWIAK: Yes, I do.

MR. MICHAUD: Thank you. Mr. Morissette, the next set of written testimony was prepared by Warren Horton from Horton Electrical Services, LLC.

Mr. Horton, did you prepare or assist in preparing Exhibit B7?

MR. HORTON: I did.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HORTON: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. HORTON: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. HORTON: I do.

MR. MICHAUD: Thank you, Mr. Horton. Mr. Morissette, our final exhibit we'll call B8 is the proposed site plan which we filed today. The designated presenters of that site plan are Kevin Solli, Cameron Hendry and Eric Labatte. Mr. Solli, did you prepare or assist in preparing Exhibit B8?

MR. SOLLI: Yes, I did.

MR. MICHAUD: Is it accurate to the best

of your knowledge and belief?

MR. SOLLI: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. SOLLI: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. SOLLI: Yes.

MR. MICHAUD: Thank you, Mr. Solli. Mr. Hendry, did you prepare or assist in preparing Exhibit B8?

MR. HENDRY: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. HENDRY: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. HENDRY: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. HENDRY: Yes.

MR. MICHAUD: Thank you, Mr. Hendry. Mr. Labatte, did you prepare or assist in preparing Exhibit B8?

MR. LABATTE: Yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. LABATTE: Yes.

MR. MICHAUD: Do you have any changes to it now?

MR. LABATTE: No.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. LABATTE: Yes.

MR. MICHAUD: Mr. Morissette, that completes the eight exhibits that we wish to have accepted here by the Siting Council.

HEARING OFFICER MORISSETTE: Thank you, Attorney Michaud. Does any party or intervener object to the petitioner's exhibits? Attorney Sullivan?

MR. SULLIVAN: No objection.

HEARING OFFICER MORISSETTE: Thank you. Rachel Schnabel?

MS. SCHNABEL: No objection, Mr. Morissette.

HEARING OFFICER MORISSETTE: Thank you. Rosemary Carroll?

MS. CARROLL: No objection.

HEARING OFFICER MORISSETTE: Thank you.

Raymond Welnicki?

MR. WELNICKI: No objection.

HEARING OFFICER MORISSETTE: Very good. Thank you. The exhibits are hereby admitted.

[Eight Exhibits Admitted.]

HEARING OFFICER MORISSETTE: We will now continue with or begin with cross-examination of the petitioner by the Council, starting with Mr. Mercier, followed by Mr. Silvestri. Mr. Mercier, good afternoon.

MR. MERCIER: Good afternoon. Thank you. I guess I'll start with the first question. I understand we went through the prefiled testimony, and included with the prefiled testimony, there was responses to the Council interrogatories, dated April 23 and associated site plans and stormwater report. Since interrogatory responses were actually submitted on April 23 under separate cover, were there any changes with the new filing of the prefiled testimony or is the document the same? Are the plans the same? Are the interrogatory responses the same? I'm not clear why they were submitted again.

MR. LABATTE: This is Eric Labatte, from

Solli. Everything should be the same from the interrogatory response to the prefiled testimony.

MR. MERCIER: Okay. Thank you for clearing that up.

MR. LABATTE: No problem.

MR. MERCIER: I will begin now going through the responses to the Council interrogatories response by response. Some of them I did have questions and I will ask those starting now. I'm going to move right to response 5C. This has to do with the remainder of the parcel outside the site. The word "preserved" is used to describe the area of the host parcel outside the site.

My question is, is the remainder of the property outside of the site going to be permanently preserved?

MR. HORTON: This is Warren Horton, from Horton Electrical Services. I can answer that question. The statement is correct, we will not be disturbing any of the area outside of the, what we consider limited disturbance on the property, as shown on the site plan.

MR. MERCIER: Does TRITEC have any control

of the area of the property outside of your lease area?

MR. HORTON: I'll defer that question.

MR. MICHAUD: That may be a legal question because it involves the contract. We can answer that question briefing if that's required.

MR. MERCIER: I suppose my question is, I understand you have a lease area and outside the lease area, that would be under the control of the landowner; is that correct?

MR. MICHAUD: Again, because it's a lease, it calls for a legal question and this is an evidentiary proceeding. Again, we would welcome responding to that in a brief.

HEARING OFFICER MORISSETTE: Attorney Michaud, certainly you can respond in a brief, but it is a pretty simple question. Do they control the lease area and does it go beyond the lease area? It's not that difficult. I think the witness can answer that. If he chooses not to, certainly brief it.

MR. HORTON: I can answer that. This is Warren Horton again from Horton Electrical Services. The area within the LOD is the only

area that is normally leased from prior projects, experience. So that would be the only area that would be controlled and operated by TRITEC Americas.

HEARING OFFICER MORISSETTE: Thank you, Mr. Horton. Before we move on, we have one administrative matter that needs to be taken care of relating to the exhibits. Exhibit number 4 is a petitioner's sign posting affidavit. I don't recall any witness verifying that exhibit, Attorney Michaud.

MR. MICHAUD: I believe Howie -- Mr. Reed did, but I can do it right now if that was missed.

HEARING OFFICER MORISSETTE: Certainly. Please do. That's an important matter that we need to get onto the record. Thank you.

MR. MICHAUD: Mr. Reed, I'm referring to Exhibit B4, the sign posting affidavit.

MR. REED: Correct.

MR. MICHAUD: Did you prepare or assist in preparing this exhibit before, exhibit?

MR. REED: I did, yes.

MR. MICHAUD: Is it accurate to the best of your knowledge and belief?

MR. REED: It is.

MR. MICHAUD: Do you have any changes to it now?

MR. REED: I do not.

MR. MICHAUD: Do you adopt it as your sworn testimony here today?

MR. REED: I do.

MR. MICHAUD: Thank you, Mr. Reed.

HEARING OFFICER MORISSETTE: Thank you, Attorney Michaud. Does any party or intervener object to the admission to Exhibit number 4 and the verification? Attorney Sullivan?

MR. SULLIVAN: No objection.

HEARING OFFICER MORISSETTE: Rachel Schnabel?

MS. SCHNABEL: No objection, Mr. Morissette.

HEARING OFFICER MORISSETTE: Thank you. Rosemary Carroll?

MS. CARROLL: No objection.

HEARING OFFICER MORISSETTE: Raymond Welnicki?

MR. WELNICKI: No objection.

HEARING OFFICER MORISSETTE: Thank you, and sorry for the interruption. Mr. Mercier,

please continue.

MR. MERCIER: Thank you. Continue with 5C. We just established that the lease area would be under TRITEC's control. Further lease in the other areas would not. I guess the word "preserve" you may just mean that TRITEC has no involvement with that, but the landowner 10 years from now or 20 years or some other timeframe he chose to could do something with that remaining area of the property not part of the lease subject to contract regulations, of course. Is that correct?

MR. MICHAUD: I can avow to that as the attorney, if that's acceptable to the Siting Council.

HEARING OFFICER MORISSETTE: No, it's not acceptable. Witnesses have to testify to the matter.

MR. MICHAUD: Okay.

MR. SOLLI: This is Kevin Solli from Solli Engineering. Yes, the landowner would have the ability to develop the bounds of the property in accordance with zoning regulations.

MR. MERCIER: Thank you. Moving on to response number eight, this has to do with the

bid. I understand you bid the project into the DEEP program. When will the bid results be released? Do you have that information?

MR. HORTON: This is Warren Horton from Horton Electrical Services. I can briefly answer the question. It was bid in on February of 2024. The results are pending. We do not have those yet. I cannot anticipate when they'll be available to us, but it is supposed to be within the timeframe of the construction, obviously.

MR. MERCIER: Thank you. I'm going to move on to response number 14. This has to do with the lease decommissioning language. About two thirds down in the responses states The petitioner shall restore the soil surface to a condition reasonably similar to its original condition. What is meant by soil surface?

MR. HORTON: This is Warren Horton from Horton Electrical Services. The intended purpose of that statement is we cannot replace everything exactly the way it is due to the fact that they were removing trees and stumps. The intended purpose of resurfacing it back to it is to basically put it into a meadow and

resurface it to that type of condition.

MR. MERCIER: There's no intention to replant trees to regenerate the forest that was there. Is that correct?

MR. HORTON: There is currently no plan to do that.

MR. MERCIER: Would the access drive and the culvert crossing be removed during the decommissioning?

MR. HORTON: The access road can be removed as long as it's not doing any further damage or control to water lands. Under most conditions, it is removed.

MR. MERCIER: Okay. Is that part of the decommissioning agreement with the landowner that you would remove that feature or would the landowner want that to remain?

MR. HORTON: It's really up to the landowner at that point if they're going to utilize the access road for other purposes after the solar system is decommissioned.

MR. MERCIER: Same with the stormwater basin, would that be removed or is that to be determined at a later date?

MR. HORTON: It would be determined at a

later date. Obviously the intention is not to do any further damage to the property or leave any potential stormwater issues even after the array is gone.

MR. MERCIER: Moving on to response number 15. This was a question pertaining to agricultural occlusions of the site. The site in this instance means the fenced array area. Are there any co-uses proposed within the fenced array? Examples could be sheep grazing or putting apiaries within the fenced area.

MR. HORTON: There is not at this current time.

MR. MERCIER: Thank you. Moving on to response number 20. This question pertains to site shading. The response is The adjacent trees are not a concern, given their current height. Given that the lease may go at least 20 years, maybe 30, is any additional tree growth a concern for shading causing production problems with the project?

MR. HORTON: This is Warren Horton again from Horton Electrical Services. Based on the current shading model and the growth of the trees, it does not appear that that is going to

be an issue.

MR. MERCIER: If it was an issue, how would TRITEC address it?

MR. HORTON: There would be light pruning just to accommodate anything that grows into -- that abuts into the shading areas. But there would not be any forestation.

MR. MERCIER: Okay. So you work with the existing trees and try to limit their canopy growth toward you, not removing trees toward any direction?

MR. HORTON: That's a correct statement.

MR. MERCIER: Moving on to response number 32. This response was the equipment of need for the Eversource owned poles. I understand there's two customer side poles. What equipment are located on each of those poles?

MR. HORTON: The equipment that's located on the customer poles is called a GOAB, which is a safety switch. It's a mechanical switch that allows for safe operation and maintenance of the site. The second one is a recloser, which is an electrical protective device that protects the electrical circuit from us to Eversource, the customer.

MR. MERCIER: Is it possible to relocate the safety switch and the recloser on one pole or does it have to be separated per Eversource requirements?

MR. HORTON: They do need to be separated by requirement.

MR. MERCIER: Is that Eversource's requirement?

MR. HORTON: It's an industry standard for safety and operations.

MR. MERCIER: Thank you. Moving on to response 37. It states In the event of an electrical fire, the fire would allow to burn out with fire response directing measures to prevent the spread of a fire elsewhere. Can the actual solar panels themselves catch fire?

MR. HORTON: Any electrical device can catch fire.

MR. MERCIER: Does the manufacturer of the solar panels have any recommended procedures to follow in the event of a solar panel fire?

MR. HORTON: There are new measures coming out, none by the manufacturer, but there are new fire protection measures that are just being introduced, which shade the module and

allow it not to produce any electricity. It is in the infancy stages at this point and still being tested for effectiveness. But it is an up and coming effective measure for controlling a solar panel.

MR. MERCIER: What entity is proposing that modification?

MR. HORTON: NFPA. It's not a modification, it's the fire department industry is adapting to solar being very prevalent around and coming up with new standards of how they can control and mitigate the situations if they arise.

MR. MERCIER: The intent is to deactivate it, for lack of a better word, by shading so you can actually put water on it? Is that the intent?

MR. HORTON: No. Once it stops producing electricity, the situation is under control. It will not continue to burn at that point.

MR. MERCIER: Okay. So just the active electrical components can burn, not the panels themselves like if say that it was not turned on, just installed and not even hooked up, could a grass fire say cause the panels to burn

or it would be most likely an electrical connection?

MR. HORTON: It would be most likely an electrical connection that would be [inaudible.]

MR. MERCIER: Thank you. Moving on to response number 42. Has to do with the transformer oil. If there was a leak, how would it be detected if there's no alarm?

MR. HORTON: The transformer's inherent capabilities will disconnect the electricity from it through a few set of fuses that are inside of it due to overheating just because the fluid is what keeps it cool. If there is a breach in it, it will shut itself off. There is no way to monitor the actual level of the fluid that's in it and whether it's intolerant, but inherently built into the safety mechanisms of the transformer, it will shut itself off.

MR. MERCIER: During typical operation and maintenance inspections, you may do it annually or whatever is prescribed by the manufacturer, does the inspection include checking the transformer oil level besides its functionality?

MR. HORTON: It does.

MR. MERCIER: Thank you. Moving on to response number 46. This response discusses the design of the culvert at the access road. The response states It was designed to pass a 50-year flood frequency or U.S. Army Corps of Engineer requirements. Is that 50-year flood design based on a 24-hour rainfall rate?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. Yes, it is.

MR. MERCIER: Do you have the actual rate of over 24 hours? Is it two inches, four inches?

MR. HENDRY: For that drainage area, I do not have the numbers in front of me. I can provide those at a later date or a later time after the break.

MR. MERCIER: Okay. The response then states The hundred-year flood frequency will not overtop the access road. So if there was a large rain event, would the access road in the culvert act kind of like a dam so it fills up behind, the waterway fill up behind it and only let a certain amount of water through it, through the pipe?

MR. HENDRY: The crossing is per the Army Corps of Engineers to pass the 50-year storm and also pass the hundred-year storm. So yes, it will act as a dam but still allow the water to flow through the culvert during the duration of the hundred-year storm.

MR. SOLLI: Kevin Solli, for the record. It will not overtop that so it does act to control the rate as it flows through that culvert. Additionally, we were able to pull up the information in response to your last question. 50-year storm duration is 6.81 inches of rain over a 24-hour period.

MR. MERCIER: Thank you. One moment.

HEARING OFFICER MORISSETTE: I don't know who was responding prior to the last answer, but please make sure that you're stating your name prior to responding so the court reporter can properly identify who is answering the questions. Thank you.

MR. MERCIER: What would happen if rainfall exceeds a hundred-year flood? Would it overtop the access road?

MR. SOLLI: At some point, it might. Excuse me. Kevin Solli, for the record. At

some point it might, but it would depend upon the entry of the storm, the duration of the storm. It would require calculations to determine at what point would that actually overtop.

MR. MERCIER: Is there any requirement in the design standard to have some type of structure to safely convey water from one side to the other over in the event that it is over top, or is there a low point in the access drive so it would just go along that way?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. The design of this size projects depends on the size of the watershed that is getting to this area. For that, they require you to again to pass a 50-year design storm. It does not necessarily say in the requirements that for the hundred-year storm to not overtop. I had gone and checked that design to make sure that did not happen. For a storm that's greater than that, water will find the easiest path around whether it may be a low point horizontally on the access drive in either direction or overtopping the access drive. But in this design, our report is to

check a hundred-year storm.

MR. MERCIER: Thank you. We're going to move on to response number 59. This has to do with the core forest calculation. Was the 18.3 value calculated using the core forest map that was submitted as part of petition appendix A? In there it has on the last page of appendix A basic mapping, showed project area within the core forest.

MR. SOLLI: This is Kevin Solli. Yes, those calculations were conducted based on the maps submitted.

MR. MERCIER: Was it simply a function of subtracting the project area from the core forest green marked area?

MR. SOLLI: Yes, it was.

MR. MERCIER: There was no accounting of the 300-point buffer that would be applied for a edge area?

MR. LABATTE: This is Eric Labatte with Solli. That is true. Where it gets somewhat confusing if you go by the DEEP permitting fact sheet and click on the link for that map, the project does not show any core forest within the site. DEEP has a separate map, forest

planning, I believe it's called. And that's where we found that the site had some small core forest located per the DEEP permitting fact sheet for projects located within that particular map, 300-foot buffer, that core forest activity and functionality is typically preferred. As I noted before, that map did not show any core forest on that setting.

MR. MERCIER: I understand that, but there's alternative mapping, although DEEP might have conflicting data under the administrative notice list that was used here in your petition. So I'm just simply asking for the 18.3-acre value, did you account for any type of buffers from the developed area of the project?

MR. LABATTE: Eric Labatte with Solli. No, that did not account for any buffer.

MR. MERCIER: Also, this particular map that was in your petition, did you do any type of analysis to determine that this actual map was correct; that is, the DEEP data was correct?

MR. LABATTE: Eric Labatte with Solli. I would ask that Mr. Kenny's office provide some

additional feedback on this if possible.

MR. KENNY: This is Bill Kenny. Our work, we did do additional work with regard to that. We spent a number of days on the property and evaluated the habitat. And in the project site, it's a good point to raise about the 300-foot buffer because there's an eastern portion of the project site falls within a 300-foot buffer. So by definition alone, that area would not be considered core forest. When you look at the habitat beyond that, what we found was this portion of the property for good reason does not include wetlands and things like that. So it was one of the areas of the property that was last abandoned for agricultural use so the forest is relatively young compared to the other areas of the forest on the site. It had early successional species like ash trees which had died over recent years due to Emerald ash borer and there's been storm damage there. So there's quite a bit of fragmentation in the canopy of the forest and it's more of an edge habitat even though it's deeper than 300 feet. There's been an abundance of sunlight that gets in and fosters

the growth of invasive shrub layer with Japanese barberry. So we find that this area does not have the attributes of a core forest, why you protect the core forest. We would not characterize this area of the woodland on the property to be a core forest.

MR. MERCIER: Okay. I think the first part of your answer answered my question, is that you did not do any measurements from road. You can use the mapping or field review mapping distances from road and houses to determine the actual size of core forest that's shown on the map that was provided in your petition. I think it was 23 acres or something; however, you didn't do any verification from adjacent properties and road to determine if the 23-acre value was correct. Is that right?

MR. KENNY: Bill Kenny, for the record. So, the calculations are based on just the physical map, but our fieldwork found that the project site area is not a core forest habitat.

MR. MERCIER: Thank you. Moving on to response number 63. It states that herbicides will not be used at the site; however, there is a provision for herbicide use in the O&M plan,

operation and maintenance plan, excuse me. Under what circumstances may herbicides be used? For poison ivy or something there? Can you elaborate as to why it may be used.

MR. HORTON: This is Warren Horton. There is no current use for it at all. It's put in there only as a holding place that if we have to use anything, but the only thing I can think of ever being used would be to control a viny substance or like you said poison ivy for protection of staff.

MR. MERCIER: For other sites that you manage, have you used herbicides and if so, for what purpose?

MR. HORTON: We have not used any to date.

MR. MERCIER: Would you envision use of these products if necessary, would it be spot use, similar to like a residential yard or like a widespread spraying over the site?

MR. HORTON: We would never do a widespread, it would only be spot.

MR. MERCIER: Thank you. Moving on to attachment B of the interrogatories. These are the site plans. I'm going to be looking at site plan sheet 2.21. It's titled Proposed

Solar Array, Grading and Drainage Plan. Looking at the plan, over towards the north side, there's eight inverters. What's the reason for arranging them on the end of the rows rather than putting them by the electrical panel?

MR. HORTON: This is Warren Horton. The inverters are located at the inverter pad. Those are combiners. So what we do is we collect all of the string wiring into one box and we run a home run back to the inverter. It's for better O&M and better maintenance of the site.

MR. MERCIER: Thank you. Do those combiner boxes make any kind of noise? I believe on the noise analysis, you had those inverters with noise pointing at property boundaries.

MR. HORTON: They do not make noise. And in the noise analysis, you'll notice that they're far below industry standards. We chose those inverters for that specific purpose, to make sure that we stay way below industry standards and anything else that could create noise.

MR. MERCIER: I'm going to stick with the site plan for a moment. Now, the stormwater management system shown on this is larger than the plan on the petition. What changes were made to the stormwater management system and for what reason?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. We extended the stormwater management system, the basin and the swale based on town comments that were provided by the Town of Manchester town engineer. And we designed this to meet the town stormwater standards.

MR. MERCIER: So it was just a function of the town request, nothing to do with your initial stormwater analysis for the stormwater permit; correct?

MR. HENDRY: Yes, that is correct.

MR. MERCIER: The larger basin was just required because you extended the swale towards the south; is that correct?

MR. HENDRY: Yes, that is correct.

MR. MERCIER: Were these revisions discussed with the DEEP stormwater program?

MR. HENDRY: The design is still in

compliance with DEEP's stormwater permit. We have not submitted the DEEP stormwater permit yet, so we have not had discussions. DEEP has not reviewed our stormwater management plan yet, but they are in full compliance with their regulations.

MR. MERCIER: The plan -- the stormwater report reports the basin is an infiltration basin. Is there any type of treatment required on the bottom of the basin to enhance the infiltration, such as adding gravel or some other type of something to enhance the infiltration?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. No. Based on the test pits that we had done out on the site, there's no special material that would be needing to go on the bottom of the basin to allow any infiltration.

MR. SOLLI: Additionally -- this is Kevin Solli from Solli Engineering. Additionally, our analysis, while we did test pits and we would assume there would be infiltration, our calculations did not account for any to represent a conservative analysis.

MR. MERCIER: Okay. Looking at the stormwater report, there was a soil map and the soils in the basin area were classified as D or D. In meeting the guidelines for Connecticut Erosion Control, it's recommended that a infiltration basin be put in soil groups A and B. Given this recommendation, what are the reasons an infiltration basin was chosen for this site?

MR. SOLLI: Kevin Solli, for the record. Again, similarly because of how the basin was designed for the control and the low flow orifice, it isn't designed to -- or isn't designed, nor does it account for any infiltration. However, from a practical standpoint, we would assume some infiltration to come out of it, especially with the grade that DEEP proposed. So, it simply may be more of a naming convention. It was designed assuming there wouldn't be infiltration. Our model basically models it as a basin that does not have exfiltrate or infiltrate, again which we believe represents a conservative analysis from the stormwater attenuation and volume standpoint.

MR. MERCIER: So I understand, it's not really an infiltration basin, what you're saying it's basically a detention basin with the controlled outlet structure.

MR. SOLLI: That's correct.

MR. MERCIER: The four bay that is included on this plan, what's the purpose of that?

MR. SOLLI: That is simply -- the sediment floor basin allows for the initial inflow of water to essentially fill up and allow for any suspended solids to settle out within that four bay prior to being discharged into the larger basin. This is designed in accordance with the solar quality manual as administered by DEEP.

MR. MERCIER: Thank you. Looking at the pipe discharge area, from the bottom of the basin, it discharges towards the wetlands and that wetland according to your diagrams and your site plans here appears to extend off site onto the abutting residential properties downslope to the west. How is the flow from the basin control to mitigate any type of risk of flooding on these abutting properties?

MR. SOLLI: Sure. So, Kevin Solli, for

the record. That basin is designed with a low flow outlet control from that structure and actually, as identified in our solar report, we're actually reducing both the peak rate of runoff and the peak volume of runoff compared to existing conditions. While this is included in our testimony in the exhibits, I'll reiterate for the Council's edification. For the various storm event, two-year storm event, we are reducing peak flows by 68 percent, ten-year storm event by 57 percent, 25-year storm reduces by 58 percent. 50-year storm event reducing by 60 percent. For the hundred-year storm event, reducing by 50 percent. That is the rate of runoff leaving the site in the proposed condition versus the existing condition. In regard to the volume, for the two-year storm event, we are reducing volumes leaving the site 8 and a half percent. For the 10-year storm event, 4 percent reduction. 25-year storm event 2.9 percent reduction. 50-year storm event 2.4 percent reduction. One hundred-year storm event 2.2 percent reduction in volume.

So the proposed activity will actually

improve any conditions downstream from what's currently experienced by any of the area to the downgrading from the property.

MR. MERCIER: When applying for a stormwater permit, after you did the calculations, how is the conversion from forestland to a lawn or field condition accounted for?

MR. SOLLI: Kevin Solli, for the record. As part of our solar analysis, we utilize runoff coefficients based on the existing ground cover and proposed ground cover. The existing forest has the runoff coefficient of 79. The proposed meadow condition, which is essentially all of the ground cover surrounding beneath the panels themselves, that actually has a runoff coefficient of 78. It actually allows for -- that's what accounts for the reduction in bulk volume. And then our basin reduces the rate of runoff that would be a problem. So that is part of the calculations that are conducted and included in our solar management report.

MR. MERCIER: Okay. I heard you state 78 as a coefficient. I think on the older

stormwater uses 77 number. That was a minor number. What was the purpose of having 77 or 78?

MR. SOLLI: That was in response to the solar classification. You want to be using D soil, which is again is the most conservative analysis.

MR. MERCIER: Did you say D?

MR. SOLLI: Yes, D soil. D as in date.

MR. MERCIER: Thank you. I understand you revised the stormwater report to account for these changes as expressed in the interrogatories and the town's concerns. On page six of the revised stormwater report, it discussed the wetlands setbacks required by NXI. That was on item 2C -- excuse me, on page six. On item 2C of that stormwater report, it states there will be a 10-foot setback from the access drive to the wetlands. Could the statement be revised to reflect the access road drive as going through the wetlands for a short distance?

MR. SOLLI: This is Kevin Solli, for the record. In accordance with appendix I, section T through A permanent III Any crossing through

a wetland or waters by an access road or electric interconnection will be exempt from the 10-foot buffer requirement. That's in accordance with DEEP requirements. So we did not include that access road crossing in that 10-foot buffer as it is exempt from that 10-foot buffer. But the balance of the site was designed to ensure that we exceeded that 10-foot buffer requirement.

MR. MERCIER: Understood. That's just a function of -- as you described the project at DEEP, how would they know that there's an access road going through the wetlands if you don't list it out?

MR. SOLLI: Kevin Solli. It would be part of their routine process once we file formally with them.

MR. MERCIER: Thank you. I'm looking at the spacing schedule on plans 2.31 and 2.32. I'll start with 2.31. You know, it shows the establishment of perimeter controls, the construction of the swales and the detention basin. Then it says Once construction is completed, you'll seed the area, construction of the perimeter control, you'll seed the area.

That's completion of Phase I. How long do you have to wait between completion of Phase I and the commencement of Phase II?

MR. HORTON: This is Warren Horton. Normal conditions depending on weather. If the weather conditions do not allow, we will hay mat the entire area, which provides instant stabilization, and seed and continue moving on. It's very dependent on time of year and weather, depending on whether we wait for grass to grow, which is normally three to five days for establishment, or whether we have to go with a hay matting for a quicker protection.

MR. MERCIER: How would the swales and I'll call it now a temporary sediment trap where the basin is, how would that be stabilized during rain events if you're proceeding right away, five days or so?

MR. HORTON: Hay matting.

MR. MERCIER: Hay matting. Is that an accepted practice?

MR. HORTON: It is.

MR. MERCIER: What entity will certify that Phase I is stabilized so that you can proceed to Phase II?

MR. HORTON: The Conservation District.

MR. MERCIER: They will come out and do an actual inspection?

MR. HORTON: Weekly inspections and 24 hours after a rain event.

MR. MERCIER: Understood. I'm talking about when Phase I is completed, did they do an additional inspection to ensure --

MR. HORTON: They do weekly inspections that we coordinate with them when we hit milestones like that to ensure that we can move to the next phase. It's documented and we're all in agreement that we can move on and we are all comfortable between the Conservation District that represents DEEP and the contractor and myself.

MR. MERCIER: Say there's -- go ahead.

MR. SOLLI: I was just going to add -- This is Kevin Solli, for the record. Additionally, our office physically conducts additional soil erosion and sediment control inspections. My office holds a designation as a certified professional erosion and sediment control as administered by Environment Services International and we additionally coordinate

with contractor Warren Horton and also with the Conservation District to ensure that when those milestones are reached and when it's appropriate to manage that from a soil erosion sedimentation control standpoint.

MR. MERCIER: Thank you. During the construction phase, if there was a large rain event and there's some type of failure at the temporary trap or silt fence, waters, leaves and sediment, what notifications and response would occur, to what entity?

MR. HORTON: This is Warren Horton again. If there was a breach of the silt fence and there is a silty discharge, not water discharge, then DEEP is notified immediately. Remediations measures will be coordinated with DEEP solely and the Conservation District of what means and methods to remediate it to make sure that we do not create further damage.

MR. MERCIER: Is that a requirement of the stormwater permit?

MR. HORTON: It is.

MR. MERCIER: Now, I understand you'll be doing post construction. You'll have this detention basin with some swales and stone,

dams in there. If this project was approved and constructed, who is responsible for cleaning the swales and check dams or leaf litter, sticks and other debris to ensure the water is not diverted out of them to other locations?

MR. HORTON: During the construction process, Horton Electrical Services will be maintaining and managing that. Post construction, we also hold the O&M services for TRITEC, which we will be maintaining on a quarterly basis.

MR. MERCIER: Reading through the operations and maintenance plan, I didn't see any notations for those specific procedures and inspections of those features. I guess those would be included in a future date if it's approved?

MR. HORTON: Correct.

MR. SOLLI: Additionally -- Kevin Solli, for the record. Two years after the site being completed and stabilized, the engineer of record, we also do inspections on a monthly basis for a two-year period to ensure that the swales are operating appropriately as designed,

in working with Horton Electric as part of that ongoing of the facility.

MR. MERCIER: Thank you. The site plan here shows a stone wall going right through the site. Would the removed portion of the stone wall be reconstructed elsewhere on the site or is it just going to be removed and disposed of elsewhere?

MR. HORTON: This is Warren Horton. We will reestablish it on site.

MR. MERCIER: Has that location been determined?

MR. HORN: It has not.

MR. MERCIER: On sheet 2.32, there's a concrete washout station near the access road entrance and it's about 30 feet from the wetlands. Is there any reason to place it so close to the wetlands? Can it be moved elsewhere out of the wetlands buffer zone?

MR. HORTON: This is Warren Horton. Yes it, can be relocated.

MR. MERCIER: I believe you said test pits were conducted previously and if so, when was that work conducted?

MR. SOLLI: Kevin Solli, for the record.

Test pits were conducted on February 19 and February 20 of this year.

MR. MERCIER: What was the purpose of the test pits?

MR. SOLLI: In accordance with the stormwater requirements, we want to make sure we conduct test pits in the area of the detention basin to ensure that we have a solid understanding of the subsurface soil profile and identifying any groundwater or perched groundwater within the underlying soils.

MR. MERCIER: Will additional geotechnical work have to be conducted if the project is approved?

MR. SOLLI: No. All of the necessary geotechnical engineering investigations were conducted in February so there would not need to be any additional subsurface investigations conducted.

MR. MERCIER: Is there bedrock at the site? I guess my question is, if you're going to be installing the tracker post, how do you get the post into the rocks?

MR. SOLLI: We did not encounter any bedrock. Warren, I'll defer to you.

MR. HORTON: This is Warren Horton. If we do encounter rock or bedrock, we bring in a rock drill and actually drill out the hole for the pile to go into.

MR. MERCIER: Thank you. For construction traffic, where would workers park their vehicles, the daily workers?

MR. HORTON: They will be all on site.

MR. MERCIER: For delivery of larger components, I'll say electrical components and the panels or bulldozers and things of that nature, what types of vehicles would be required and would you need a flagger or police traffic control?

MR. HORTON: This is Warren Horton. We require a flagger and traffic control. The road is not a heavily traveled road for that purpose so for police services, I don't believe would be required. If the town requires it, then we would engage in it.

MR. MERCIER: What type of larger vehicles would be accessing the site and what's the frequency of that access?

MR. HORTON: This is Warren Horton again. For deliveries of the racking equipment would

be the only large equipment or large trucks that would be on site, which would be flatbed tractor-trailers.

MR. MERCIER: Is there an approximate number you might need? Is it 10 delivers, 30?

MR. HORTON: Between 12 to 15.

MR. MERCIER: Thank you. I'll move on to the DEEP Natural Diversity Database letter. I believe it's one of the appendices in the initial petition. It's appendix C, DEEP correspondence on the website. Obviously box drill. In the letter, one of the recommendations is to conduct ground disturbance from April 1 to November 1 which is the turtle active season. Does TRITEC intend to adhere to that recommendation?

MR. WOJTKOWIAK: This is Alexander Wojtkowiak of William Kenny Associates. All site disturbance work should occur during the turtles' active season which is between April 1 and November 1, I believe.

MR. MERCIER: Correct. Is that what TRITEC intends to do, or would you start in at another timeframe?

MR. HORTON: This is Warren Horton. The

intention is to work within those confines.

MR. MERCIER: On site plan sheet 3.03 of the revised site plans, there was environmental notes with Box turtle protection measures. For the Box turtle protection plan, a qualified inspector is listed as performing certain tasks. What exactly is the qualified inspector? I see that term in the DEEP stormwater permit.

MR. WOJTKOWIAK: Alexander Wojtkowiak of William Kenny Associates. I believe the DEEP letter says qualified herpetologist. It's left unclear by the DEEP what qualifies as qualified, but somebody who has engaged in the Box turtle survey for us would be we believe an appropriate candidate to survey the site once all exclusionary measures have been erected.

MR. MERCIER: And conduct all the other things such as contractor training and other inspections.

MR. WOJTKOWIAK: Correct.

MR. MERCIER: Is this individual on TRITEC staff or would this be a third party environmental monitor I'll call it?

MR. HORTON: This is Warren Horton. It

would be a third party. All of our staff have been trained from prior projects and we would be retrained for this project.

MR. MERCIER: Thank you. Further in that letter, the DEEP letter that is, it recommended Site management and protection measures for the Box turtle post construction. I didn't see any of those procedures within the operations and maintenance plan. Would the maintenance plan be revised to include the Box turtle measures as well as specific stormwater management inspections?

MR. WOJTKOWIAK: Alexander Wojtkowiak from William Kenny Associates. I believe in the prefiled testimony for William Kenny Associates and Horton, that the decommissioning plan is in the process of being developed, which can be provided at a later point in time.

MR. MERCIER: Did you mean the operation of the maintenance plan?

MR. WOJTKOWIAK: Yes, yes.

MR. MERCIER: I have one other question regarding the species protection post construction if the project was approved. How are these procedures, protection procedures

relayed to ground maintenance personnel? Obviously it might be on a piece of paper, but who is responsible for letting maintenance workers know that there could be a species they have to look out for?

MR. WOJTKOWIAK: Alexander Wojtkowiak of William Kenny Associates. Usually the qualified herpetologist has a meeting with all site staff before any groundwork or disturbance begins, informs them usually with a piece of paper informing this is the species mentioned, this is what it looks like, its habitat, characteristics and what the on-site staff are to be looking out for. They're to also to be looking out for breaches within the exclusionary fencing and this is all supposed to be reported. And any new staff taken on site are to be taught by the existing staff of what the species they are supposed to be looking for and their responsibilities in preventing the species from entering the work site.

MR. MERCIER: How about after construction is completed and the site is operational? How is information regarding there could be a

species there relayed to maintenance personnel? The DEEP letter had different types of procedures for mowing and if turtles that might migrate into the area after construction are harmed. How is that information presented to the maintenance personnel?

MR. HORTON: This is Warren Horton. It will be in our maintenance book that is specific to each project. If it's determined by the herpetologist that signage is required because it's a large habitat, then signage would be placed at the entrance to the gate.

MR. MERCIER: Thank you. Referring back to petition appendix A, that includes the figures. Previously we talked about the core forest. Right before that, I believe it's the disability analysis DEEP shed map. Okay. I'm looking at this map generally and I noticed there's more seasonal visibility to the west rather than the south. Is there any particular reason for that?

MR. HORTON: This is Warren Horton. I think I understand your question. It's due to the way the sun comes up and the way that we get the most amount of light onto the array.

So I believe that's answering your question, if I understand it correctly.

MR. MERCIER: Yes. I'm talking about visibility of the site, the appendix A of your petition figures, this building map. And it shows projected visibility of the site from neighboring properties. And towards the west, which appears wooded, and there's more visibility than to the south, which also appears wooded. I'm trying to determine what are the reasons it is not as visible seasonally from the south?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. That is based on thickness of ground vegetation that was observed on the site and also the grade that is on site.

MR. MERCIER: Would you characterize most of that site according to your photographic documentation as like an open canopy floor that has a lack of shrubs for the most part?

MR. HENDRY: On the southern side of the array, it was observed to have a very thick ground cover that was not able to get through or see through. Where our array is is more open. It doesn't have that thick ground cover

as it does to the south.

MR. MERCIER: Looking to the east, I see the abutting properties and you have absolutely no visibility from those properties of the facility. Can you explain why there would be no visibility?

MR. HENDRY: Cameron Hendry from Solli. Yes. This map is anticipated once the landscaping buffer on the east side has been fully mature. It is not anticipated that there will be visible from any of the properties to the east once the proposed landscaping of American holly and Eastern red cedar both grow to their mature heights which is approximately 20 to 25 feet tall.

MR. MERCIER: Okay. The planting schedule is to have them 7- to 8-foot tall. Would they be bunched together to form like when you do the initial planting? Do you have them like a long or would there be spaces between them filled out for growth?

MR. HENDRY: Cameron Hendry from Solli. Yes. We anticipate they're not completely pushed together. There is room for growth. It's will not only allow them to grow out, but

also allow them to grow up. The 7- to 8-feet high is how high they would be when they are installed.

MR. HORTON: This is Warren Horton. I'd add something to that. So at 7- to 8-feet tall, that is taller than the modules sit and due to the existing topography sloping away from those residential areas, even at their infancy, they will be very difficult to see the array, based on the height of the plantings and the proposed height of the array.

MR. MERCIER: Right. But there will still be spaces between the plantings, correct, when you do them initially?

MR. HORTON: There will be, for growth.

MR. MERCIER: Given their anticipated growth rate, you said they would not be visible at maturity. How many years would that be?

MR. HENDRY: Cameron Hendry of Solli Engineering. It's anticipated that it would take about eight to ten years for them to be fully mature. They grow at a rate of one to two feet per year.

MR. MERCIER: Given that the properties to the east are slightly higher, if you're

standing at a higher elevation looking down, wouldn't the site be a little bit more visible? As you're looking down upon it, you might see panels on the western side of the facility?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. We did a view analysis on that to, assuming a 6-foot tall person standing on the second floor of those buildings to the east, and initially the western portions of the array would be visible from that point. It would take about five years before they are not visible at all.

MR. MERCIER: So you did an analysis. Was that submitted into the record for this proceeding?

MR. HENDRY: That is not. That is an analysis I looked at yesterday in anticipation for this hearing.

MR. MERCIER: Do you intend on submitting it? The next prefile date is the 7th of May, I believe. Do you plan on submitting that?

MR. HENDRY: Yes, we can certainly submit that.

MR. MERCIER: Would TRITEC consider planting another row so we would have two rows,

kind of a staggered arrangement of some native shrubs or other evergreens to further block the view from the east?

MR. HORTON: This is Warren Horton. If it aids in the decision in securing, then we would be more than willing to do that.

MR. MERCIER: Are any privacy slats considered along the east and I'll even say the south end?

MR. HORTON: The privacy slats were not considered based on the planting schedule, but also can be considered if required.

MR. MERCIER: Have you installed these on other projects, the privacy slats that is?

MR. HORTON: We have.

MR. MERCIER: What's the durability of them? Do they start breaking down after five years or so?

MR. HORTON: We don't perceive them breaking down.

MR. MERCIER: I understand the Shenipsit hiking trail traverses the western portion of the property. Do you know if that follows the gas line right-of way?

MR. HENDRY: Cameron Hendry from Solli.

It's our understanding that it does follow the gas pipeline. It comes up from Amanda Drive onto the property and then onto the gas pipeline and follows the gas pipeline to the north.

MR. MERCIER: That area, that's a lower elevation than the proposed site. Is that correct?

MR. HENDRY: Yes, that is correct.

MR. MERCIER: Would the topography somehow given that the site is higher reduce the view? If so, how would that happen?

MR. HENDRY: Due to the topography of the land, the trail through the gas pipeline is approximately 20 feet below the edge of the fence line for the project. So due to the elevation change and the ground cover that will be between our limited disturbance and the trail is not anticipated to have any visual impacts during the summer months. We lack vegetation during the winter months so there is a possibility you'll be able to see the facility, but it's not anticipated to be seen during the summer months.

MR. MERCIER: Thank you. Moving to the

noise study that was in the responses to interrogatories. I believe it was an attachment C, Exhibit C of the interrogatory responses. I'm looking at it and I see which I thought were the inverters, but it is stated they were not inverters. Why were there distances given for those eight black dash lines at the end of the rows if they don't make any noise?

MR. HORTON: This is Warren Horton. That was an error on our part. But given the fact that they're going to be even farther away from the road, it's only going to get better for that circumstance.

MR. MERCIER: Is it possible to revise this analysis for the prefiled testimony due May 7?

MR. HORTON: We can do that.

MR. MERCIER: Thank you. I have no other questions at this time. Thank you.

HEARING OFFICER MORISSETTE: Thank you, Mr. Mercier. We're going to take a 10-minute break and reconvene at 3:45.

There is one outstanding question. I want to make sure that Mr. Mercier got the response

or whether it's still pending. I have written down here What point between the 50- and 100-year of rain does the overflow occur? Mr. Mercier, did you get your answer to that or is that still pending?

MR. MERCIER: I think I got the hundred-year flood. According to the answer, seeing that level, it would overtop the road but it would not overtop to the one hundred-year.

HEARING OFFICER MORISSETTE: Thank you.

MR. SOLLI: Kevin Solli, for the record. I just want to clarify. Even in a hundred-year storm event, it would not overtop the road. It would have to be a storm event that exceeds the one hundred-year storm event to determine at what point and what intensity it actually would overtop, however, but from a design standpoint, we are simply tasked to design for both 50 and then affirm with the hundred that it doesn't overtop.

HEARING OFFICER MORISSETTE: Very good. Thank you for that clarification.

We will extend it a little bit longer. We will come back for 3:47. I'll give you an

extra minute to relax during the recess. Thank you everybody. We will be back here at 3:47.

[Off the record 3:46 p.m.]

[Back on the record 3:47 p.m.]

HEARING OFFICER MORISSETTE: Thank you everyone. We will now continue with cross-examination of the petitioner with Mr. Silvestri, followed by Mr. Nguyen. Mr. Silvestri, good afternoon.

MR. SILVESTRI: Good afternoon, Mr. Morissette. Good afternoon, all. Mr. Mercier had asked a couple questions that I had and they were answered. I will try not to duplicate it, but I apologize in advance if I do. Let me start out with the application itself. It states that the project could serve as an educational tool for local schools to teach students about renewable energy, sustainability and environmental conservation. How would that be accomplished?

MR. HORTON: This is Warren Horton. There are ways that we can bring students onto the site without impeding safety regulations and teach them how the inverters work, how they transform DC solar energy into AC power. We

can show them on displays that we have for the data acquisition systems, how this is actually happening, how much the sun is actually collecting. We can show them the trees that are planted as a renewable. We can show them fencing to protect people. We can really do a lot for the local community.

MR. SILVESTRI: So it's feasible you could have school groups coming in to teach them about the various things I just mentioned. How about other organizations, local community groups, etc., would you be open to that as well?

MR. HORTON: Absolutely.

MR. SILVESTRI: Very good. Thank you for your response. Now, the application also states that the project will result in substantial grid improvement in the vicinity of the site. Can you explain what is meant by the substantial grid improvements?

MR. HORTON: This is Warren Horton from Horton Electrical Services. The grid improvements are part of the upgrade program that has to be done to facilitate this solar system from producing back. So inherent

upgrades, the costs are assumed by TRITEC to upgrade utility lines coming to this facility will be a benefit to the community for years to come.

MR. SILVESTRI: Do you have specifics as to what would be upgraded?

MR. HORTON: The utility lines, the feed down Carter Street. We don't have exact how far the route is going to go, but it is substantial.

MR. SILVESTRI: Would that still say at 23 KV or is that proposed to be a higher wattage or voltage?

MR. HORTON: It will stay at 23 KV.

MR. SILVESTRI: That cost would be borne by you, correct?

MR. HORTON: That is correct.

MR. SILVESTRI: Thank you. On page 12 of the application, it states that maple syrup taps will be relocated within the host parcel. My question is, how does one relocate a maple syrup tap?

MR. HORTON: This is Warren Horton again. Obviously some of the trees that will be removed are tapped currently so they will be

moved to other parts of the property working with the local people that are doing it to ensure that it continues to produce.

MR. SILVESTRI: You're not going to move the trees, you're going to find other trees, correct?

MR. HORTON: That's a correct statement.

MR. SILVESTRI: Do you know if production of maple syrup would be approximately the same then as it is now?

MR. HORTON: I can't speak to that.

MR. SILVESTRI: All right. Then in a response to interrogatory number 54, related question I have is what agricultural opportunities are being analyzed besides looking at maple syrup?

MR. HORTON: This is Warren Horton again. We are looking at bees and also bee producing pollenating plants; i.e., blackberries, raspberries and other items that produce and support beekeeping.

MR. SILVESTRI: Would the pollinators be within the area of the solar panels or would they be more on the perimeter?

They would be on the perimeter still

within the fence line, but in the perimeter that's away from the panels.

MR. SILVESTRI: Thank you. Then, I need to go back to the discussion that started with Mr. Mercier on the transformers. First off, I want to look at a correction on page 13 of the interrogatory responses. This is number 45. It mentions noise levels from the proposed eight inverters and transformers, plural. But my understanding is it would be just one transformer. Am I correct on just one?

MR. HORTON: There is one main utility transformer and then there's a grounding transformer that is a requirement of the interconnection agreement between us and Eversource.

MR. SILVESTRI: Where would the grounding transformer be located?

MR. HORTON: The grounding transformer is located adjacent to the utility transformer.

MR. SILVESTRI: Which would still be on the pad?

MR. HORTON: That is correct.

MR. SILVESTRI: Very good. So you have two. Thank you. Then in response to

interrogatory 22, it talks about a transformer vault being 6 foot by 7 foot. What is meant by a transformer vault?

MR. HORTON: Warren Horton again. The vault is to allow the medium voltage and the low voltage cables to be trained underneath it. The vault is about 32-inches deep and it's a utility standard to install the vault to allow for bend radius of the wires so you don't exceed the bend radius and damage the conductors during installation and use.

MR. SILVESTRI: But the transformers would be above ground, not within this vault below ground, correct?

MR. HORTON: The vault is for the wiring only. The transformer would be above grade.

MR. SILVESTRI: Thank you for your response. Now, getting back to the transformer part of it, you might have answered this with Mr. Mercier, but I'll bring it up again. The transformer inspection I did not see included in the O&M plan. Is there a procedure for transformer inspections and monitoring?

MR. HORTON: The monitoring of the transformer happens on a daily basis through

the data acquisition system of current operations so we can see that it is operating. We cannot see that -- we'll know if it's on or if it's off.

MR. SILVESTRI: And that's for both transformers?

MR. HORTON: That is for both. If the grounding transformer goes off, it takes the entire system off and that is a written protocol by Eversource. That's a standard that we have to meet.

MR. HORTON: You mentioned in interrogatory 42 that SCIA cannot sense the leak of transformer fluid so my question to you is why can't the transformers have a low oil level sensor and an alarm?

MR. HORTON: I would love to be able to answer that question, but I can't. It's not a standard application for transformers.

MR. SILVESTRI: I disagree. The issue I have is you're not going to know if a transformer is leaking until it leaks and then it stops working. So, I'm looking at something proactive and I know we have installations in Connecticut that have low oil level sensors and

alarms. I think it would be imperative to have that, otherwise you don't know until something has happened and something could happen bad. So a related question I have is on page nine of the application, it states that the transformer oil is not a danger to the environment. Could you explain that part of it?

MR. HORTON: This is Warren Horton. Industry standards for all transformers require that they provide nonhazardous biodegradable mineral oil.

MR. SILVESTRI: I hear your response. The issue is everything is just about biodegradable given enough time. So when I look at the transformer installation that is very, very close to the stormwater basin, again, if the transformer leaks and it's undetected, it could possibly flow into the stormwater basin and then go someplace else. So, I have concerns that you impede light penetration and whatever water body it gets to, that the biological oxygen demand and the chemical oxygen demand will go through the roof and endanger the environment. That's why I posed the question. I don't see how it can't be a danger, which

goes back to we need to know how a transformer is leaking and what to do to stop it. The related question I have for you is, do you have a spill prevention control countermeasure plan for transformer oil?

MR. HORTON: This is Warren Horton. Yes, there is a spill contamination protocol and procedure for any transformers for any spill contaminants.

MR. SILVESTRI: Do we have that?

MR. HORTON: I am unclear of that.

MR. SILVESTRI: If not, I would request that that also be submitted by the May 7 deadline that we have. Then if we go back to interrogatory 33 I believe it is. Yes. The response has in part Typically Eversource does not pad mount its equipment for solar projects. Therefore, pole mounted equipment is shown on the site plans. The word typically is questionable in my opinion. That prompts the question, did you actually have conversations with Eversource?

MR. HORTON: This is Warren Horton, and yes. And no, they do not. It's not typically. The word typically should not have been put in

there. They will not install pad mounted equipment for their equipment.

MR. SILVESTRI: Did they provide a reason?

MR. HORTON: It's their standard.

MR. SILVESTRI: Thank you for that response as well. Let me move on to page seven of the environmental assessment. It specifies that 40 feet of a 42-inch high density polyethylene pipe would be used for the crossing. The question I had was, you had mentioned tractor-trailers coming into the site with equipment. Could such a pipe support the weight of construction and operation of vehicles needed to access the site?

MR. HORTON: This is Warren Horton. Absolutely.

MR. SILVESTRI: Okay. That assessment also mentions marsh headwater stream habitat a number of times. Can you identify such habitat within the property?

MR. HORTON: This is Warren Horton. I'll defer that to Solli.

MR. SOLLI: We're here. We'd ask to defer that to Bill Kenny's office regarding the habitat. Kevin Solli.

MR. WOJTKOWIAK: Alexander Wojtkowiak of William Kenny Associates. The marsh headwater stream habitat is related to wetland system that bisects the northern portion of the property and will be the same is proposed.

MR. SILVESTRI: If you could repeat that because you were breaking up in your response, I would appreciate it.

MR. WOJTKOWIAK: My apologies. Marsh headwater stream habitat is related to the wetland and watercourse system that bisects the northern portion of the property of which the stream crossing is proposed.

MR. SILVESTRI: Understood. When I see that title of marsh headwater stream habitat, I keep thinking about endemic and/or threatened fish species that like to habitate those areas. Do you know if there's any endemic or threatened fish species in that area?

MR. WOJTKOWIAK: Alexander Wojtkowiak of William Kenny Associates. We do not believe that fish species inhabit this stream system. Marsh headwater stream habitat was chosen as the most applicable habitat type for this system; however, the water feeding the system

comes from I believe a culvert on Carter Street and flows westward down towards Amanda Drive. No fish species were identified during site investigations in July, nor September by William Kenny Associates.

MR. SILVESTRI: Thank you for your response. Going to a slightly different topic, is it your intention to start fuels and/or do refueling on the site?

MR. HORTON: This is Warren Horton. Refueling only.

MR. SILVESTRI: Do you know where that might take place?

MR. HORTON: It will happen on the driveway area only.

MR. SILVESTRI: Driveway area close to the waterway?

MR. HORTON: No. Perpendicular to the array.

MR. SILVESTRI: Approximately how many feet might it be from the waterway?

MR. HORTON: At an approximate guesstimation based on viewing, I would say excess of a hundred feet.

MR. SILVESTRI: And those provisions would

be included in your SBCC, which you're going to submit?

MR. HORTON: That's correct.

MR. SILVESTRI: Thank you. If we go to the response to interrogatory number five, and it's my understanding the site does slope in a westerly direction. Are there any plans to make the site more level or would you keep the grade the way it is right now?

MR. SOLLI: Kevin Solli, for the record. We're keeping essentially maintaining the grade throughout the solar array. Only minor grading for the access road and the solar management system that the swales --

MR. SILVESTRI: Thank you. Is the slope in the westerly direction the reason why the stormwater basin would be placed where it is on the drawings?

MR. SOLLI: Kevin Solli, for the record. That's correct, we put it in the lowest point.

MR. SILVESTRI: Thank you. I'm not sure if we answered this question under Mr. Mercier, but if the basin should overflow, where does the overflow water go?

MR. SOLLI: The overflow water discharge

towards the west of the site and it would mimic the same drainage patterns that exist under existing conditions.

MR. SILVESTRI: So it would be heading toward the Algonquin pipeline and the trail that's there; correct?

MR. SOLLI: Yes, that's correct.

MR. SILVESTRI: Any indication if the water could actually reach there, would it be diverted either north or south?

MR. SOLLI: Well, the basin itself discharges towards that area. Anything superficially will be reducing volt rates and volume of runoff leaving the site in the proposed condition compared to existing. So, water will follow the similar pattern as it does today.

MR. SILVESTRI: But if I understood you correctly, if that does happen, the volume or the rate should be less than what it is today based on your controls. Is that correct?

MR. SOLLI: That is correct. There's a substantial reduction in rates of runoff and there's also reductions in volume.

MR. SILVESTRI: Thank you. I think the

last question I have at this point concerns exhibits that were entered into the record earlier this afternoon. It mentioned the site plan. Was the site plan that was submitted today, is that to be used for the public hearing portion later on this evening?

MR. SOLLI: Yes, that's the correct. It's the same site plan that's part of the record for this proceeding.

MR. SILVESTRI: That was my related question. Thank you. Mr. Morissette, I believe that's all I have at this point. I thank you and I thank the panel.

HEARING OFFICER MORISSETTE: Thank you, Mr. Silvestri. We will now continue with cross-examination by the Council, by Mr. Nguyen, followed by Mr. Golembiewski. Mr. Nguyen, good afternoon.

MR. NGUYEN: Good afternoon, Mr. Morissette. Thank you. Many questions asked so no questions from me at this time. Thank you.

HEARING OFFICER MORISSETTE: Thank you, Mr. Nguyen. We will now continue with cross-examination of the petitioner by

Mr. Golembiewski, followed by Mr. Carter.

Mr. Golembiewski, good afternoon.

MR. GOLEMBIEWSKI: Good afternoon, Mr. Morissette. I have a few questions and I guess some of my questions I'm not sure who exactly should answer. I'll shotgun them out. The application narrative, I'm looking at page five, section A. It's called Project Site it's a paragraph Project Site. As I read it, it says The proposed project site selection was based on the site's suitability regarding size, topography, the absence of biological and hydrological conflicts, state availability and the proximity of the site's existing electrical infrastructure.

As I read that, my question is, as I read them, the first one is site suitability regarding size. I'm assuming that's self-explanatory. The topography, I guess I had a question. The topography as I can see it, there's about a 9 percent slope to the northwest. Is that correct, 9 to 10 percent slope to the northwest?

MR. HENDRY: This is Cameron Hendry from Solli Engineering. In the project area, yes,

the slopes vary to about 9 percent, sloping to the west. The entire property and the project area slopes from east to west.

MR. GOLEMBIEWSKI: Okay. 9 percent, is that a -- I guess we see a lot of proposals on farm fields and they seem to be flatter than that. A 9 percent slope, how does that affect how the sun would then as it goes over the site, can the panels adjust to that slope difference?

MR. SOLLI: The proposed system contemplates tracking panels so they would actually follow the sun regardless of the slope. But actually, the 9 percent sloping is preferred because when you get into steeper slopes, those would not be suitable for solar sense.

MR. GOLEMBIEWSKI: So 9 percent is still within a general accepted slope?

MR. SOLLI: Correct. Generally speaking, the goal is to find sites with slopes that are less than 15 percent.

MR. GOLEMBIEWSKI: Okay. So then that takes care of topography. The absence of biological and hydrological conflicts. When I

look at biological, what comes to me is the core forest issue. So, I guess my question to you is how is clearing an existing mature forest not a biological conflict, especially if it's identified as a small core forest?

MR. WOJTKOWIAK: Alexander Wojtkowiak of William Kenny Associates. In accordance with the environmental assessment report, the area of the proposed solar array, while in the habitat type of red maple transition forest or red maple/red oak transition forest, this portion of the forest according to historical aerial imagery was also referenced in the environmental assessment was abandoned was maintained as ag fields primarily up to 1970 to 1986 while the rest of the forests on the property were never used as ag fields. The forest within the area of the proposed project site is of a more second growth forest. The species within that forest are mainly dead and dying ash trees and a numerous amount of invasive vegetation from Oriental bittersweet vines to Japanese barberry. Of the areas on site where this project could be conducted with minimal impact to the biological factor of the

site, this area would be the best chosen. The stream crossing over the marsh headwater stream unfortunately has to -- there's no way to access the site without doing a stream crossing, so this is an unavoidable impact with the project, but the project has been designed in such a way as to prevent adverse impacts to fish species which, for the record, the last I believe -- I forget who went last. They asked if we identified fish species during our site visits and no fish species were identified within the marsh headwater stream. Any other connectivity issues for wildlife, such as amphibians, they should be able to pass through the proposed RCMP, sorry about that, pipe -- be able to pass through the pipe unimpeded, small wildlife included.

MR. GOLEMBIEWSKI: Okay. So, your answer is that the forest -- the eight acres or so that are in the project area, the forest isn't that healthy and is only about, if I do my math, 40 to 50 years old. Is that essentially what you're saying?

MR. WOJTKOWIAK: Correct. That is my interpretation of the site.

MR. GOLEMBIEWSKI: Okay. Has anyone contacted the DEEP Forestry Division in regards to the core forest designation or small core forest designation?

MR. WOJTKOWIAK: The DEEP has not been contacted for this project due to the nature of this project being under 2 megawatts of solar power, which the regulations state that over 2 megawatts didn't have to be contacted for a letter for core forest impacts. So, it is my assumption that the DEEP has not been contacted at this point in time.

MR. GOLEMBIEWSKI: Okay. And the NDDB, the Eastern Box turtle, you believe that the BMPs that are included in the site plans would address that biological conflict?

MR. WOJTKOWIAK: If the BMPs, which is the exclusionary fencing, around the project site is installed and then the site surveyed for Box turtles and then maintained by the contractors in accordance with the training. No incidental take of Box turtle should occur. If a breach is detected, a survey would be carried out to identify if a Box turtle breached the area. The breach would be repaired. And if any

turtles were identified within the work area, they would be relocated outside the site.

MR. GOLEMBIEWSKI: On any of your site investigations, did you see any Eastern Box turtles?

MR. WOJTKOWIAK: We did not. We investigated the site two days in July and one day in September. And of those site investigations, no Box turtles were identified. I don't know if Solli Engineering, in their investigations of site, identified any Box turtles but I am unaware of any being identified by any parties.

MR. GOLEMBIEWSKI: Going to the culvert that you had mentioned, I noticed on that site plans that on the down gradient side, the slopes are three to one in the vicinity of the watercourse. My experience is that that's actually a flatter slope than I normally see. I usually see two to one or one and a half to one with stone in vicinities of wetlands and watercourses. I was wondering why the decision was made to stay with the flatter slope there, in that it makes the culvert longer and then it actually adds additional impact. Even though I

know it's a narrow watercourse, it does add some impact to it.

MR. WOJTKOWIAK: I will defer to Solli Engineering why they chose that design.

MR. HENDRY: Cameron Hendry from Solli Engineering. The three to one slope was chosen so that there is less of a chance before any stabilization could occur, there would not be any erosion is three. It can certainly be looked at and addressed to look at one and a half to one slopes and with a riprap section on the downstream side. That was not chosen at this time.

MR. GOLEMBIEWSKI: Okay. I had a question too is I know there was some staying with the culvert. I know that there were some comment that it was consistent with the Army Corps and DEEP stream crossings best manager practice. And I did see that, that it was -- there is a foot of -- it's embedded a foot which is consistent. The one thing I don't know if it's consistent, I don't think so, is the greater than .82-feet openness ratio. I was wondering if you could discuss why it didn't meet that. At least I don't think it meets it, if I did my

math right.

MR. HENDRY: Cameron Hendry from Solli. It's my understanding that from reading the best management practices that for the smaller culvert, that openness ratio is suggested for the smaller culverts. I can certainly go back and verify that and submit that at a later date.

MR. GOLEMBIEWSKI: All right. I would appreciate that. Thank you. I think I'm off of those issues. The one thing I'm trying to find in the site plans is I guess a cross-sectional view or I guess some type of detail of the actual panels with the steel racks, the tracking motors, the foundation posts. For whatever reason, maybe it's just me, I can't find them. I can't find that anywhere. Is there somewhere in the application you can show me where there's like sort of a cross-section detail on the actual arrays?

MR. HORTON: This is Warren Horton from Horton Electrical Services. We don't usually submit that under this application, but we can certainly do so. We can certainly follow up

with that.

MR. GOLEMBIEWSKI: My only question is, I mean as I read them, there's -- and I guess I'll ask -- make sure I'm getting this right. There's proposed for about 2,590 panels. And then the arrays, there appear to be I think it's 18 rows and then maybe one half row of the arrays. And then as I look at the plans, I'm going to call them up, as I look at -- and they're kind of like the aqua blue rows. There's the little black dots that run down the middle and then there's black dots at the end. I was wondering whether those were posts or motors?

MR. HORTON: Those are the proposed foundations.

MR. GOLEMBIEWSKI: Okay. So as I look at these foundations, there would only be a foundation on each end of those. So that's one unit, if you want to say one rack. Is that how I'm supposed to interpret that?

MR. HORTON: To clarify, that is not. No, there's not one on each end. You don't see the ones that are underneath the layer of macadam. Those are the break points in the array.

There's a break point at those dots. Each one of those to the left and to the right are separate arrays technically, if you look at it that way. You're only seeing the end of it. You can't see the piles that are underneath.

MR. GOLEMBIEWSKI: I'm going to assume -- am I correct in that there would be a steel rack that would go along the entire length of one of those aqua rows of panels?

MR. HORTON: From black dot to black dot, to simplify this, there would be a what we call a torque tube, which is normally in the range of around 6 by 6 inches that supports the racking system that allows it to tilt. The motors would be located in the middle of those sections between the black dots and will provide the tilting portion of it and then there will be what we call high-hat tracks that hold the actual modules onto the tube.

MR. GOLEMBIEWSKI: Okay. So the steel foundation posts are for the racks?

MR. HORN: That's correct.

MR. GOLEMBIEWSKI: Those are embedded 8 to 10 feet?

MR. HORTON: That's correct.

MR. GOLEMBIEWSKI: Okay. Then there is a single access sun tracker system that appears to have its own support posts?

MR. HORTON: The single access tracker system is the entry sits on -- the torque tube sits on that tracking system. The motor that drives it sits in the middle of that for each one of those arrays. So take the two black dots and go to the middle, there will be a motor in the middle of each one of those and that motor is driven by the system to follow the sign.

MR. GOLEMBIEWSKI: All right. Just to finish out my understanding, there's eight string inverters, one transformer, one grounding transformer, five utility poles, three Eversource, two customer, you. There's a disconnect switch, a recloser and a primary meter; that would all be on site?

MR. HORTON: That's correct.

MR. GOLEMBIEWSKI: And then it would connect to Carter Street. And then what is the voltage at Carter Street?

MR. HORTON: 23K.

MR. GOLEMBIEWSKI: Okay. Then essentially

at that point, it is available to the grid?

MR. HORTON: That's a correct statement.

MR. GOLEMBIEWSKI: Okay. All right. I had an overall question. I saw that there will be a net fill at the site of 1250 cubic yards. I was wondering who could give me a breakdown of where that is going? My understanding is most of it would be associated with the basin area.

MR. HORTON: This is also Warren Horton. It will be the access road and the culvert.

MR. GOLEMBIEWSKI: Okay. So it's the access road, the culvert, the fills on the downslope side and then whatever berm associated with the basin?

MR. HORTON: Correct statement.

MR. GOLEMBIEWSKI: Okay. Let's see. I had a question on interrogatory 14. It says in the lease agreement that as I read it, it sounds like upon decommissioning, the agreement is to remove everything down to two feet from the ground surface. Am I interpreting that appropriately?

MR. HORTON: This is Warren Horton. Yes, you are interpreting that correctly.

MR. GOLEMBIEWSKI: I know there's foundations that are deeper than that and then technically the basin is kind of a weird situation where it's four-feet deep. I don't know how much is below grade. So, what would happen to those areas? Would you be cutting foundation posts off at two feet or would you be trying to pull them?

MR. HORTON: The intended purpose is to try and pull them. The success rate at that is pretty low. The purpose of that is to make sure that they are below any agricultural depths, which is the two-foot part that we standardize to and to make sure that we clean everything up so that nothing could be disturbed below that. The basin, as you stated, is a unique situation where we've improved the water flow across the property, so to take that back out and put a condition in there makes it actually worse, would be problematic in my assessment.

MR. GOLEMBIEWSKI: Okay. Okay. Has anyone ever taken ambient noise levels at the site currently?

MR. HORTON: Warren Horton again. To my knowledge, nobody has taken ambient noise

levels at the site currently.

MR. GOLEMBIEWSKI: Okay. I apologize, I'm just making sure my -- the visibility analysis. So if I go back to the figures, I just wanted to make sure I understood. I go back I guess that would be figure 10. So, as I understand the explanation of why there isn't seasonal visibility on the east side is that this, I guess if you want to call it this assessment, assumes no visibility beyond the planted evergreens that are proposed along the eastern perimeter?

MR. SOLLI: This is Kevin Solli, for the record. We're maintaining an existing tree buffer that's there and installing the row of evergreens to further reforest that buffer to get some solar arrays down to reheat from that. The existing trees and then the proposed trees, the 7- to 8-foot height planted, we believe will provide a sufficient visual barrier for those properties.

MR. GOLEMBIEWSKI: Okay. So, if those weren't there, then in all probability you could draw a line from say the orange tongue at the top right down to the orange tongue at the

bottom right just because it would be the same as anywhere else around that once it's leaf-off, there's a potential you could see through the trees?

MR. SOLLI: I would tend to agree with that statement.

MR. GOLEMBIEWSKI: Okay. All right. Thank you, Mr. Morissette. I am all set.

HEARING OFFICER MORISSETTE: Thank you, Mr. Golembiewski. We'll now continue with cross-examination of the petitioner by Mr. Carter, followed by Miss Hall.

Mr. Carter, good afternoon.

MR. CARTER: Good afternoon, Mr. Morissette, and good afternoon to my fellow members and staff. I'd like to thank members of the public for taking the time out to be here with us. Also, a special hello to our newest member, Miss Hall.

I don't have many questions because luckily folks have already asked a lot of the things that I wanted to know. I'll get into this interrogatory number 27. Has there been any new update with the Eversource System Impact Study?

MR. HORTON: This is Warren Horton. To my knowledge, there is no further updates.

MR. CARTER: Okay. Thank you. And then I have a question about the vegetation that would be used underneath the panels. It seems like there have been some concerns raised about the type of seed mix that has been proposed for the site. Has there been any look at any alternative seed mixes for the site, especially something that is of the more native variety?

MR. HORTON: This is warren Horton again. We're more than open to any options that are more conducive to the existing vegetation stuff that's currently there and making modifications to accommodate.

MR. CARTER: Thank you. The next question I have was about the operation and management plan for the site, specifically around mowing. I saw that it was noted in the plan that mowing is due to occur four times a year, but based on the recommendations issued by DEEP, which actually mentions avoiding mowing during a period from the 15th of May through the 15th of September. So how would mowing be addressed, or are there other alternatives to make sure

that the site is properly maintained in regards to the considerations that DEEP had mentioned in their recommendations?

MR. HORTON: This is Warren Horton again. The intended purpose is and being the fact that this is going to be a refurbished site with proposed grass seed that's going to be low growth, mowing could be reduced substantially. The standard has been a lot of these sites land on farmland that has been fertilized for many, many, many years by farmers that grow excessively fast. This is not going to be the case with this site so I think it can easily reduce the mowing to be without those timeframes.

MR. CARTER: Thank you. I just have one more question and it's a bit in the weeds about the core forest availability. So I did see that based on the responses given that there would be a roughly I believe 17 or 19 percent reduction in core forest. I wanted to get some clarification around how that calculation was made, because I did read in one of the lovely exhibits that there's a 300-foot buffer around core forest. So, how would the proposed site

reduce the core forest, factoring in that 300-foot buffer and does that 300-foot buffer incorporate the new site?

MR. HENDRY: Cameron Hendry from Solli. This area for the forest does not take into account a 300-foot buffer as was said earlier. According to the DEEP facts sheet for core forests, since this is under a two-acre output and we did not have to notify DEEP and also since this is not a large core forest, that 300-foot buffer was not considered. So, it is considered a small core forest, based on the DEEP website of the forest priority areas; however, it is not considered core forest based on DEEP Forest Habitat Impact website that the 300-foot bumper is used for.

MR. CARTER: Thank you. Mr. Morissette, those are all the questions that I have. Thank you.

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

MS. HALL: Good afternoon. I got sworn in yesterday so I'm playing a little bit of catch

up. I do have a follow-up question to I think it was to Mr. Horton, a question by Mr. Silvestri, and that is concerning new standards that are coming out for solar. Mr. Horton I think noted that because the technology is still pretty new, that a number of groups that might be impacted by this are looking more seriously at it and coming up with some standards. He mentioned the NFPA, and a new standard that would require shading. My question I guess is, as some of these new standards do start to emerge, as they will in the next couple of years, especially those that deal directly with safety issues such as fire, is TRITEC willing to take on those new standards?

MR. HORTON: This is Warren Horton. Absolutely is the first question. To that, we are always willing to put safety first for whatever solar arrays that we put into service. That's our first and foremost safety to the public and safety to all the employees that work at these arrays. Secondly, we've been working closely with local fire departments on some of these issues to see what they're doing,

and that's where we came up with these new implements that they're coming up with is through local fire departments. They have been working through the NFPA to develop these new platforms of dealing with the ever growing solar market and how to contain potential issues.

MS. HALL: Thank you. That's all for me.

HEARING OFFICER MORISSETTE: I will start my questioning concerning the interconnection. We talked a little bit about that it's connecting Carter Street at 23KV. Based on what I heard here this afternoon, there's no primary circuits in 23 KV that go up Carter Street so therefore that line needs to be upgraded and TRITEC will be paying for the upgrade, paying Eversource to upgrade it. But I wanted to doublecheck. How far is that upgrade from the solar site? How far do you have to go? Is it more than just Carter Street or is it further?

MR. HORTON: This is warren Horton. It is unclear at this current time how far Eversource extension of their line sets that they have to do. That is the responsibility, they've given

a proposal that is part of our modeling that we do to make sure that the project pencils financially. That's a commitment on Eversource that they have to upgrade those lines coming in from the transmission stations.

HEARING OFFICER MORISSETTE: They have provided you with an estimate so far of what's that's going to cost?

MR. HORTON: That's correct.

HEARING OFFICER MORISSETTE: And the project is still financially viable at this point?

MR. HORTON: That's correct.

HEARING OFFICER MORISSETTE: I would imagine that's going to be quite the undertaking if it's any great distance.

MR. HORTON: That's correct.

HEARING OFFICER MORISSETTE: I'd like to go to page 11 and also reference interrogatory number 8 and it has to do with the NRES and the SAM. Can you explain to me what that is? You bid into this DEEP RFP and it's related to both. I don't quite understand it. Could you elaborate on that please?

MR. HORTON: This is warren Horton again.

I will do my best.

HEARING OFFICER MORISSETTE: Thank you.

MR. HORTON: That's not my area of expertise, but the NRES program is pretty much -- they took over for the sunsetted ZREC. This is the new program that has come out for us to get paid for the credits that Eversource has to purchase as part of this thing. This is basically the traditional ZREC program and it was sunsetted. This is the new program that took over.

HEARING OFFICER MORISSETTE: So basically Eversource is buying energy, capacity and the renewable energy credits?

MR. HORTON: Correct. In the town of Plymouth and the city of Meriden will be receiving those credits through this program.

HEARING OFFICER MORISSETTE: And they are just receiving the energy credits, but not the energy and capacity?

MR. HORTON: That's my understanding.

HEARING OFFICER MORISSETTE: Okay. What's the SAM have to do with it? Same thing?

MR. HORTON: It's very similar to that. There's more -- it's more technical than that.

That gets a little beyond my technical ability to be able to answer that question.

HEARING OFFICER MORISSETTE: Are they two separate things or are they combined together?

MR. HORTON: They are two separate programs, from my understanding.

HEARING OFFICER MORISSETTE: Are they metered separately or together?

MR. HORTON: It's all together, one meter.

HEARING OFFICER MORISSETTE: Okay, one meter. I thought that's what you had. I echo Mr. Silvestri's comment relating to pad mount. Eversource can do pad mount, they choose to be difficult about it. But they have done it in the past and other utilities like UI do it routinely. With that, I would like to go to I think it's drawing 2.21. The stormwater basin has two outlets, one for the low flow, I'll call it, and one for the spillway. It's basically draining into the wetland to the west. Was that location specifically chosen for a reason versus having it go to the northwest, for example, towards the other wetland?

MR. HENDRY: Cameron Hendry, Solli

Engineer. Yes, it was chosen for two reasons, one, the topography in the area. If the basin was to be outletted to the north, would the topography still close or still is graded from east to west, so that water would just be going down the hill, it wouldn't actually make it into that northern wetland. And then also based on the deeper pending side, we are not allowed -- there's not allowed to be any land disturbance within 50 feet of any wetlands. In order to get the basins to outlet, it was chosen to go down the hill towards that wetland to the west so the water outlets from there based on the grades, it will flow over land and back into that wetland.

HEARING OFFICER MORISSETTE: So it's the topography that's kind of dictating the location?

MR. HENDRY: That is correct.

HEARING OFFICER MORISSETTE: Is it out of the realm of possibility? Because you do have -- you're within 100 feet of that wetland to the north, so there is from a wetland 50-foot buffer perspective, there is room. But physically could that work?

MR. HENDRY: Cameron Hendry, Solli Engineering. Based on the grades, it cannot. The grades there would just be -- it would be -- to get the water, the outlet into that northern wetland, you would have to go much further to the north to be able to catch up to the grade required to outlet for the basin. And then again, like I said, based on the topography, it would not be able to get back into that wetlands. It would just end up flowing down the hill to the west. All of the grades flow east to west.

HEARING OFFICER MORISSETTE: It would flow out to the north but then due to the topography end up where the outlet is anyway?

MR. HENDRY: Not necessarily where the outlet is now. It would end up flowing to the west and not be able to get into the wetland. It would actually be a detriment to other properties -- possibly be a detriment to the properties on Amanda Drive.

HEARING OFFICER MORISSETTE: I'm going to touch on the noise analysis. We have a late file coming back with a revised noise analysis requested by Mr. Mercier to remove distances to

what was it? The -- I think it was the frames or the foundations. My question is, is the trackers considered part of the noise analysis? I don't recall seeing them explicitly called out as being first identified as being a source of noise and then secondly incorporating them into the analysis. Am I incorrect in that?

MR. HORTON: This is Warren Horton. The tracker motors do not continuously move. They move about 10 degrees at intervals based on the sun, so they're not a continuously noise creating, noise emitting device. So they're not considered in the study.

HEARING OFFICER MORISSETTE: Okay. We have seen from other applicants that they address the tracker system so given that you're going to be revising the noise analysis to incorporate Mr. Mercier's comment, I would like to see a representation on the trackers as well to ensure that the noise analysis is all encompassing and complete.

Now we're going to move on to the small core forest. Quite frankly, I'm confused by the core forest. Some of the testimony here this afternoon confused me. I will point you

to page 10 of the environmental report. I think it's Exhibit G, Solli Environmental Assessment page 10. In the table, it says that the forest is 34.8, then down below it says 23 acres of small core forest. Could you explain the differences, what difference between the 23 and the 34.8 is?

MR. WOJTKOWIAK: This Alexander Wojtkowiak from William Kenny Associates. So, the larger number refers to the habitat type of I believe red maple transition forest, which basically is the main habitat throughout the 40-acre property beside the cleared land and any wetland or watercourse habitats. The core force, that is 23 acres approximately, is according to the -- let me get the right, 2020 Connecticut Forest Action Plan map provided by CT DEEP, which is located in the central portion of the site of the property and also within the site. So that is why the number of habitat is greater than the core forest.

HEARING OFFICER MORISSETTE: The 7.8 is the small core forest within the site limits, excluding the 300-foot buffer?

MR. WOJTKOWIAK: Yes, correct. Excluding

the 300-foot buffer.

HEARING OFFICER MORISSETTE: Okay. It was testified earlier this afternoon that the project site itself is not a core forest habitat. Did I hear that correctly?

MR. WOJTKOWIAK: We have two sources from the DEEP with differing results. According to the 2020 Core Forest Action Plan map, there is core forest on site. 23-acre approximately, but --

HEARING OFFICER MORISSETTE: I'm sorry, you're breaking up again.

MR. WOJTKOWIAK: I'm sorry. According to the forestland habitat impact map, which is recommended in the DEEP information for solar projects and environmental permitted facts sheet, the project site and the property itself, core forest impacts appear on that map. So we have deferring data from two DEEP sources. We chose to use the source that was more minimal saying the core forest practically on site but also our site investigations indicate that the area of the proposed project site if it is a core forest, a degraded nature compared to the rest of the forest on the

property.

MR. KENNY: This is Bill Kenny. The maps that you find online such as the core forest maps are for general planning purposes so they have inclusions of areas that don't meet the technical definition of a core forest. And we run into this with many different online natural resource maps, such as soil maps produced by the Natural Resource Conservation Service. So, they're generated at a large scale and broadbrush strokes of when they identify areas and then it requires on-site review to refine and better define areas such as whether it be core forest or different soil types and things like that. That is what Alex is referring to. For example, when you start to apply the 300-foot buffer from neighboring residential properties and then you look at the actual conditions of the forest in the area of the project site and that's where we come up with a modified evaluation, whereas an evaluation based on the planning map available and then there's an evaluation based on our field observations.

HEARING OFFICER MORISSETTE: Okay. Thank

you. That's helpful. Is it possible to provide a drawing that lays this out clearly --

MR. KENNY: Yes.

HEARING OFFICER MORISSETTE: -- so that we can better understand where the core forest is, where the forest is that's been converted so that we have a better picture of what this is, including the 300-foot buffer and redo that calculation, based on actually measured values of the core forest remaining post development to account for the 300-foot buffer?

MR. KENNY: Yes. This is Bill Kenny. Certainly can do that and it's certainly warranted and needed.

HEARING OFFICER MORISSETTE: Very good. I think that would be extremely helpful because a picture is worth a thousand words. Your explanation was very good, but I'm still a little confused.

Let's doublecheck and see if I have anything else here. At this point, besides the possible bees, there's no additional agrovoltaic plan for the site?

MR. HORTON: This is Warren Horton. At this time, there is not.

HEARING OFFICER MORISSETTE: That concludes my questions for this afternoon. So, Attorney Michaud, I'd like to go through the late filed exhibits. I believe I have seven. We'll walk through them to make sure that we've captured them all.

So the first one, late file Exhibit 1 is the view shed analysis from the east that was discussed with Mr. Mercier that I believe was already done and suggest be filed with the Council. Late filed Exhibit 2 is revised noise analysis, removing the distances associated with the exhibit on the last page. Also, include some discussion on the tracker systems and the noise that they will emit. The third is the late file exhibit for Mr. Silvestri concerning the transformer spill prevention protocol. Mr. Silvestri, did I get that right?

MR. SILVESTRI: That is correct, Mr. Morissette. What I'm looking for is the SBCC that would address the transformer oil as well as where they would be refueling their equipment on site.

HEARING OFFICER MORISSETTE: Very good.

MR. SILVESTRI: Thank you.

HEARING OFFICER MORISSETTE: Thank you. I think this is two actual late files. We'd like the late file number 4 would be remeasure of the core forest remaining post development to account for the 300-foot buffer. The next would be the drawing that we just discussed of the core forest in relation to the area that has historically been used for agricultural purposes and just better portray what the situation with the core forest is. And number six is the culvert ratio for Mr. Golembiewski. And, Mr. Golembiewski, do you still think you need the cross-section areas of the panels or are you satisfied?

MR. GOLEMBIEWSKI: I would actually like to see a cross-section of how the array would look essentially down, I guess that would be east/west, just a general depiction and then yes, that would be the -- you mentioned the openness ratio. And then I would also like to see a revised plan sheet that shows the slope's steep in the one and a half to one in vicinity of the watercourse crossing and what savings and watercourse impact that could be achieved.

HEARING OFFICER MORISSETTE: Very good.

Thank you, Mr. Golembiewski. We have eight late files, Attorney Michaud?

MR. MICHAUD: Thank you. I have them.

HEARING OFFICER MORISSETTE: Very good. That concludes our hearing for this afternoon. We have a public comment session this evening at 6:30. When we resume, the next hearing date is I believe going to be May 21, 2024. We will continue with cross-examination. We'll have new exhibits so the Council will cross-examine on the new exhibits that were filed as prefiled testimony and we will continue with Attorney Sullivan, Rachel Schnabel and Rosemary Carroll and Raymond Welnicki to cross-examine the petitioner.

With that, again, our public comment session is tonight at 6:30 and hopefully we will see everybody there. That concludes our hearing for this afternoon. Thank you everyone for your participation and thank you for the Council to your great questions that were brought out here this afternoon.

[Hearing adjourned at 4:58 p.m.]

STATE OF CONNECTICUT :

: CHESHIRE

COUNTY OF NEW HAVEN :

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

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

Dated at New Haven, Connecticut, this 7th day of May 2024.

Notary Public

My Commission Expires: December 31, 2026.

License No. 233