



STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

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Hearing Program
Petition No. 1609
Thursday, May 2, 2024
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

I. Opening by Council

- A. Statement read by Presiding Officer
- B. Administrative Notice taken by Council

FEDERAL

1. National Institute of Environmental Health Sciences, National Institutes of Health, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. National Research Council, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. United States Department of the Interior, National Park Service, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. United States Department of Energy, Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf
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9. United States Energy Information Administration, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2022*, March 2022, available at https://www.eia.gov/outlooks/aoe/pdf/electricity_generation.pdf
10. United States Fish and Wildlife Service, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
11. United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf
12. United States Environmental Protection Agency and National Renewable Energy Laboratory, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, available at <https://www.nrel.gov/docs/fy13osti/52615.pdf>
13. United States Department of Agriculture, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. United States Department of Agriculture, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. United States Federal Aviation Administration, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf
16. United States Federal Aviation Administration, *Obstruction Evaluation Version 2023-Sep.3*, Notice Criteria Tool available at <https://oearaa.faa.gov/oearaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
17. United States Federal Aviation Administration, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010 (updated April 2018), available at <https://www.faa.gov/sites/faa.gov/files/airports/environmental/FAA-Airport-Solar-Guide-2018.pdf>
18. United States Federal Aviation Administration, *Review of Solar Energy System Projects on Federally-Obligated Airports*, May 11, 2021, available at <https://www.federalregister.gov/documents/2021/05/11/2021-09862/federal-aviation-administration-policy-review-of-solar-energy-system-projects-on-federally-obligated>
19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

REGIONAL

20. ISO-New England, Inc., *Operational Fuel-Security Analysis*, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf
21. ISO-NEW ENGLAND, INC., *2023 Regional System Plan*, November 1, 2023, https://www.iso-ne.com/static-assets/documents/100005/20231114_rsp_final.pdf
22. ISO-NEW ENGLAND, INC., *Regional System Plan Project List*, March 2024, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
23. ISO-New England, Inc., *2023-2032 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2023, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
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28. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER24-___-000*, February 21, 2024, available at https://www.iso-ne.com/static-assets/documents/100008/er24-___-000_fca_18_results_filing.pdf

STATE

Connecticut Siting Council

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30. Connecticut Siting Council, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf

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33. Connecticut Siting Council, Petition No. 1424 - DG Connecticut Solar III, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.725-megawatt AC solar photovoltaic electric generating facility located at 1012 East Street, Southington, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1421-1430/petition-no-1424-southington-solar-one-llc
34. Connecticut Siting Council, Petition No. 1589, July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, available at https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf
35. Connecticut Siting Council, Petition No. 1558 – Community Power Group LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4-megawatt AC solar photovoltaic electric generating facility located at 24 Middle Road, Ellington, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1558
36. Connecticut Siting Council, Petition No. 1572 – East Windsor Solar Two, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1572
37. Connecticut Siting Council, Petition No. 1602, January 26, 2024, Department of Energy and Environmental Protection Office of Environmental Review & Strategic Initiatives correspondence related to the classification of solar as industrial for the purposes of noise emissions, available at https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1601-1700/pe1602/stateagencycomments/pe1602_deep-commentsrecd_a.pdf

Department of Energy and Environmental Protection

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42. Department of Energy and Environmental Protection, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., available at <https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid=%7b60A3E155-0600-CEB3-8088-B39D9CA5974D%7d>
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Department of Public Health

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Department of Transportation

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55. Department of Transportation, Bureau of Engineering and Highway Operations, *Public Service Facility Policy and Procedures for Highways in Connecticut*, November 2008, available at <https://portal.ct.gov/-/media/DOT/documents/dutilities/UtilityPolicyProcedures.pdf>

Other State Agencies

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68. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
69. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).
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TECHNICAL

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ENVIRONMENTAL

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MAPS

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90. Connecticut Department of Transportation - Connecticut Official State Maps, available at https://portal.ct.gov/DOT/PP_Bureau/Documents/Maps

91. Mail-A-Map Street Map, Manchester, *available at* http://mailamap.com/street_maps
92. United States Geological Survey, National Map Viewer, *available at* <https://apps.nationalmap.gov/viewer/>
93. Connecticut Department of Energy and Environmental Protection, State Park and Forests Interactive Map, *available at* <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4ceb5687e902c19&deepNav=%7C>
94. Connecticut Department of Energy and Environmental Protection, 2022 Forest Action Plan Priority Areas Map, *available at* <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=d4d74b090d8047ca80bb4b9ff6baa819>

C. State Agency comments

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

D. Municipal comments

1. Town of Bolton Request for Public Hearing, dated March 6, 2024
2. Town of Bolton Comments, April 24, 2024

E. Public Official comments

1. State Representative Jason Doucette, dated March 1, 2024
2. State Representative Steve Weir Comments, dated March 6, 2024
3. Manchester Legislative Delegation, dated March 11, 2024

II. Appearance by Petitioner:

TRITEC Americas, LLC (TRITEC)

Representative:

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

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by TRITEC Americas, LLC, received January 26, 2024, and attachments.
2. Petitioner Responses to Council Interrogatories, Set One, dated April 23, 2024
3. Petitioner Pre-Filed Testimony of Howie Reed, dated April 30, 2024

C. Swear Witnesses

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

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

E. Cross Examination.

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

III. Appearance by Party:

Town of Manchester (**TOWN**)

Representative:

John F. Sullivan, Esq.
Manchester Corporation Counsel

A. Administrative Notice.

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

B. Exhibits for Identification.

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

- c. Town of Manchester Inland Wetlands and Watercourses Regulations, effective January 3, 2014
- d. Town of Manchester Zoning Regulations, effective April 18, 2017
- e. Manchester NEXT Plan of Conservation and Development, effective July 12, 2023
- f. 'Buckley Elementary School Attains First Net Zero Energy Verification' *The Town of Manchester*, published January 23, 2024
- g. Video of Water from Seep at Amanda Drive
- h. Resident Comments Submitted to Town Planning and Zoning Commission, received February 21, 2024

- 5. Town of Manchester Pre-Hearing Submission, dated April 30, 2024
 - a. Aerial Drone View of the Proposed Project Site and Surrounding Residences
 - b. Pre-Filed Testimony of Megan Pilla, dated April 25, 2024
 - c. Pre-Filed Testimony of David Laiuppa, dated April 25, 2024
- 6. Town of Manchester Pre-Filed Testimony of Dennis Schain, dated May 2, 2024

C. Swear Witnesses

- 1. Megan Pilla, Principal Development Planner, Town of Manchester
- 2. David Laiuppa, Environmental Planner, Town of Manchester
- 3. Steve Stephanou, Town Manager, Town of Manchester
- 4. Dennis Schain, Director, Manchester Board of Directors, Town of Manchester

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

E. Cross Examination.

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

IV. Appearance by Intervenors:

Rachel and Dana Schnabel (SCH)

Representative:

Rachel Schnabel

A. Administrative Notice.

B. Exhibits for Identification.

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

C. Swear Witness

- 1. Rachel Schnabel
- 2. Dana Schnabel

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

E. Cross Examination.

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

V. Appearance by Intervenor:

Manchester Advocates for
Responsible Solar Development (**MARSD**)

Representative:

Rosemary Carroll

A. Administrative Notice.

B. Exhibits for Identification.

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

C. Swear Witnesses

1. Rosemary Carroll

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

E. Cross Examination.

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

VI. Appearance by Party:

Raymond Welnicki (**WEL**)

Representative:

Raymond Welnicki

A. Administrative Notice.

B. Exhibits for Identification.

1. Raymond Welnicki Pre-Filed Testimony, dated March 1, 2024
2. Raymond Welnicki Request for Party Status, dated April 4, 2024

3. Raymond Welnicki Request for Party Status Supplemental Information, dated April 25, 2024
4. Raymond Welnicki Additional Pre-Filed Testimony, Part One, dated April 25, 2024
5. Raymond Welnicki Additional Pre-Filed Testimony, Part Two, dated April 25, 2024

C. Swear Witnesses

1. Raymond Welnicki

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

E. Cross Examination.

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

VII. Continuation by Connecticut Siting Council.