

CONNECTICUT SITING COUNCIL

TRITEC AMERICAS, LLC, NOTICE OF ELECTION)
TO WAIVE EXCLUSION FROM SITING COUNCIL)
JURISDICTION, PURSUANT TO CONNECTICUT)
GENERAL STATUTES § 16-50k(e), AND PETITION)
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 SOLAR)
PHOTOVOLTAIC ELECTRIC GENERATING)
FACILITY LOCATED AT 250 CARTER STREET,)
MANCHESTER, CONNECTICUT, AND)
ELECTRICAL INTERCONNECTION)

DOCKET NO. 1609

APRIL 25, 2024

PRE-FILED TESTIMONY OF DAVID LAIUPPA

Q1. Please state your name and business address.

A1. David Laiuppa
494 Main Street
Manchester, CT 06045-0191

Q2. Are you submitting this Pre-Filed Testimony on behalf of the Town of Manchester?

A2. Yes

Q3. Please describe your educational background and any licenses or special credentials that you hold.

A3. Certified Erosion, Sediment and Storm Water Inspector, 2012
Air Quality Analyses Training Certification, 2009
Soil Scientist Certification, 2007
Corps Wetland Delineation Training Certification, 2004
Geographic Information Systems (GIS) Certification, 1999
B.S. Natural Resource Management and Engineering, UCONN, 1997

Q4. Are you currently employed with the Town of Manchester?

A4. Yes

Q5. Prior to your current employment with the Town of Manchester, what is your prior work history after graduating from college?

- A5. - FITZGERALD & HALLIDAY, INC.
Senior Planner – 08/01/2001 to 04/06/2018
- STATE OF CONNECTICUT – AGRICULTURAL EXPERIMENT STATION
Research Assistant – 07/01/1995 to 08/01/2001
- TOWN OF BLOOMFIELD, CONNECTICUT
Assistant to Town Wetland Agent – 07/01/1999 to 08/01/2001
- WINTONBURY FARM
Owner / Operator – 01/01/1985 to Present

Q6. What if any job positions have you held with the Town of Manchester before your current position?

A6. None

Q7. Please describe your current job position.

A7. I am the Environmental Planner / Wetland Agent for the Town of Manchester, CT.

In this role I also serve as the Floodplain Manager, Aquifer Protection Area Agent, Staff liaison for the: Conservation Commission; Inland Wetland Agency; and the Land Acquisition and Historic Property Investment Committee.

Q8. Have you fully reviewed this Petition 1609 which has been filed by TRITEC Americas, LLC (hereinafter 'TRITEC')?

A8. Yes.

Q9. Are you familiar with 250 Carter Street, Manchester, the site that is the subject of the proposed petition?

A9. Yes.

Q10. Please describe the site based on your familiarity with it?

A10. Based on field observations from publicly accessible lands, a review of the data provided to the Siting Council by TRITEC, available GIS data, and aerial photographic interpretations it is my understanding that

The site lies within a privately owned parcel that is approximately 41.08 acres in size and is addressed at 250 Carter Street. The parcel is undeveloped and, except for a utility right-of-way and portions of a regional trail, is fully wooded by a mixed, deciduous, hardwood forest. Within the larger forest system there are several regulated wetlands and watercourses within a red maple wetland setting.

A core forest has been identified on the property and does overlap portions of the proposed site. Additionally, state and federally listed species have been identified as possibly occupying or utilizing the site. The existing habitat types, size, and density of the property (including the site) provides ideal settings for the habitation, migration, foraging, and general use of a wide variety of macro and micro fauna.

Underlain by glacial ice laid deposits of thin till, the soils on the property are classified as undisturbed and, in some locations, include wetland soil types (including on the site). The property generally slopes from the southwest down to the northeast and has an elevation change of approximately 155 feet. The site generally slopes from the southwest down to the northeast and has an elevation change of approximately 55 feet.

Q11. After reviewing this Petition 1609, do you have any concerns about TRITEC's proposal?

A11. Yes. I have many very serious concerns.

Q12. Can you describe each concern that you have about the Petition 1609?

A12. There are several "red flag" issues that should warrant further review, public transparency, and regulatory oversight.

My concerns include the following:

These issues are larger than site specific details, as outlined in the proposal, because they have potential larger repercussions, beyond the confined limitations of the project.

1. Habitat impacts

The proposed facility is located in an area that has been identified as a core forest. Core forests have been identified as critical habitats which are not easily replaced. The fragmentation or reduction of a core forest has the potential to render its benefits moot. Reduction of the size of a core forest can result in nullifying the remaining portions from having that designation because the critical elements (including size, connectivity and distance from the non-forest boundary) would be reduced or eliminated.

It has been recommended by the Connecticut Department of Energy and Environmental Protection (DEEP) that the construction of new solar facilities should not be located within areas identified as core forests. There are several reasons for this, as outlined by DEEP, but there should be an open and public discussion addressing why the construction of this facility should not follow DEEP recommendations.

2. Listed species impacts

- a. The proposed facility is located in an area that has been identified as in the Natural Diversity Database as having listed species living within it. While the DEEP has provided suggestions for operational management during and after construction this project will lead to an irreparable fragmentation of the required habitat for the Box Turtle (*terrapene Carolina Carolina*). Fragmentation of primary habitat is considered to be a generational issue that has the real potential to contribute to the decline of a species of concern. The advisement by DEEP only addresses the short-term impacts that may occur during construction and during the operation of the facility, which will negate the project area from habitation of this animal, but it does not address the long-term impacts to the required elements that are being provided in the existing habitat.
- b. The United States Fish and Wildlife Service has identified the project site as a potential roosting site for the Northern Long-Eared Bat (*Myotis septentrionalis*). While it has been correctly acknowledged that there are no known hibernacula on site that would provide suitable winter habitation, the observed and documented large trees on site are likely candidates for spring, summer, and fall roosting sites for many bat species, including the Northern Long-Eared Bat. It is recommended that, in the absence of existing and current scientific data, there should, at a minimum, be acoustic detection surveys done on site when there are identified suitable habitat elements.

Results of the additional surveys related to listed species is of concern and should be shared in an open and public forum.

3. Regional recreational asset impact

The Shenipsit Trail is part of the blue-blazed trail system that is maintained and supported by the

Connecticut Forest and Park Association, with additional support from local and state government. Because this regional asset traverses the property it is in the public interest for all findings from viewshed analyses to be shared. Regional trail assets are beneficial to the public that they serve and go beyond neighborhood and municipal boundaries. A demonstration, by fact, that the proposed project will not have an adverse impact on the intended purpose of this trail system should be discussed and demonstrated in an open and public forum.

Regarding project specific elements, there are several items that have been presented that should require further scrutiny. These elements are not of regional concern but still may have local impacts to the environment and surrounding neighborhoods. All of the following concerns would be beneficial to interested parties to be discussed in an open and public forum and should be considered under regulatory oversight.

1. Site preparation and construction

- a. As noted by DEEP, special concern must be taken to insure that listed species are not negatively impacted by project activities. Notes that indicate all recommendations from DEEP should be added to all relevant plans. Additionally, there needs to be some mechanism in place that will serve as a reminder to all field personnel as to what is required and expected on a day-to-day basis (not everyone will have plan sheets at the ready if they encounter a listed species).

2. Site run-off

Topography, high groundwater, and the site-wide presence of till all have the potential to result in rapid and significant impacts to downslope properties in the event of a significant weather event and/or failure of erosion and sedimentation controls.

- a. While it is stated and expected that current regulatory guidelines for erosion and sedimentation controls will be followed, it is recommended that an emergency action plan be in place to protect and, if necessary, mitigate down-slope properties from project related run-off.
 - i. The implementation and public sharing of such a plan will go a long way to appease concerned neighbors.

3. Unaccounted impacts to existing conditions

- a. Stormwater vs groundwater
 - i. The stormwater report, as required, addresses the expected impacts and management of stormwater runoff from the site but, there is no discussion about the groundwater impacts from the project.
 1. The presence of wetlands on site as well as the site-wide underlayment of till indicate that there is high groundwater on site.
 2. The planned removal of mature forest trees will result in a significant loss of vegetative uptake of groundwater. This groundwater volume should be accounted for in site run-off because it will be significant and may not have been considered in the calculations that were used to design the proposed systems.
- b. In the siting of the discharge point for site run-off it was designed to discharge just upslope of an existing wetland, which extends beyond the property line.
 - i. Excess loading of volume into an existing system has the potential to cause

downslope flooding or, in the long term, an expansion of the footprint of the wetland. Because this wetland system extends onto neighboring properties this practice has the potential to cause affected property owners to have to deal with an unfair burden (including, but not limited to property flooding and damage as well as an increased footprint of a regulated resource on their property).

- c. Creation of edge has greater consequences than just making an area with no trees.
 - i. Elimination of the central portion of a mature forest will result in a new edge habitat around the perimeter of the entire site.
 - 1. Edge habitats are not linear, extending beyond the two-dimensional plane of clearing, edge habitats are a transitional buffer that includes those areas leading up to and beyond the forested limits. Edge habitats also include those areas where the light penetration varies from that of the main forest.
 - 2. The details and extent of the edge habitat are important because they impact all forms of life that occurs within the previously unbroken mature forest.
 - a. Wildlife habitat elements will be altered.
 - b. Tree growth habits will be changed.
 - c. Plant species will be changed – including an expected increase in the presence of invasive species.

4. Consistency & Conformity

Some of the proposed elements on the site during the expected operational period are not consistent with the intent of requirements and guidelines.

- a. Under the “CT DEEP Appendix I Design Regulations/Compliance” section of the Stormwater report it is stated that “There is a minimum of 10 feet between the construction activity associated with the installation of the access road and interconnection and downgradient wetlands.”
 - i. This cannot be true if the access road is designed to directly cross a wetland. The installation of a culvert and the road base are activities associated with the installation of the access road.
- b. Herbaceous plantings do not replace the functionality of a mature forest.
 - i. The statement that a pollinator mix will be used is well intended but:
 - 1. Is not a widely beneficial mix because a low percentage of the plants are actually used by pollinators.
 - 2. Has a very low likelihood of effectively benefiting pollinators because it will be an island of herbaceous plants surrounded by mature forest.
- c. Installation of a perimeter fence may be beneficial for security but will be detrimental to wildlife migration and habitation.
 - i. In addition to the barrier that the fence will impose on the larger wildlife on site, unless the fence is adequately elevated off the ground, the migration and habitation of smaller wildlife (including, but not limited to, wood turtles) will be directly impacted by the fence.
 - ii. The inclusion of a physical barrier will eliminate the effective functionality of the entire project site as a wildlife habitat. Additionally, those species which rely on unfragmented habitats of a certain size will suffer a greater impact because their required contiguous habitat will no longer exist beyond

the footprint of the project limits.

5. Decommissioning and site restoration consequences.

a. It is the plan, as required, to restore the site to "pre-existing conditions".

i. In order for this to be done there should be a thorough and property-wide inventory prior to any disturbance.

1. The restoration of a site should include:

- a. Vegetation
- b. Wetland extents
- c. Topography
- d. Rock outcrops
- e. Soil aeration
- f. Groundwater flow patterns
- g. Reintroduction of duff, hard snags, soft snags, and other cover elements that are utilized by wildlife
- h. Restoration of impacted soil layers, including the organic layer

ii. The restoration of a mature forest will take decades to achieve.

1. A complete inventory, including species identification and core sampling to determine the age of trees should be done prior to any site disturbance. Without this data pre-existing conditions will not be known.

2. If mature trees are to be re-introduced for restoration there should be guidelines on the size and caliper of the trees and a timeline for the end goal of restoration.

3. Restoration cannot happen in one season. There has to be a long-term monitoring condition and an achievement status goal.

Q13. What information or evidence have you discovered which supports any of the concerns that you have about this Petition 1609?

A13. Many of the statements and concerns raised are considered to be general knowledge in the realm of environmental planning, other statements and concerns are related to local and state regulations and guidelines. Statements and concerns that are specific to elements of the application cite the section of the application.

Q14. Based upon the information, evidence and testimony that you have observed so far, do you think that the Connecticut Siting Council should approve or deny this application?

A14. Based on what I have observed so far, I think that the CSC needs to deny this application.

Q15. If the Connecticut Siting Council were to approve this Petition 1609, do you

think that the approval should require any changes to what TRITEC has proposed so far?

A15. Yes.

Q16. What changes do you suggest?

A16. While I do not believe that this is an appropriate location for this type and size of facility if it were to be approved the following conditions (also discussed above) should be required:

- Regarding listed species
 - Notes that indicate all recommendations from DEEP should be added to all relevant plans. Additionally, there needs to be some mechanism in place that will serve as a reminder to all field personnel as to what is required and expected on a day-to-day basis (not everyone will have plan sheets at the ready if they encounter a listed species).
- Regarding site run-off
 - An emergency action plan should be in place to protect and, if necessary, mitigate down-slope properties from project related run-off.
- Regarding factual statements
 - Within the Under the “CT DEEP Appendix I Design Regulations/Compliance” section of the Stormwater report there is a false statement that must be corrected.
 - “There is a minimum of 10 feet between the construction activity associated with the installation of the access road and interconnection and downgradient wetlands.” Cannot be true when there is a direct crossing of a stream.
- Regarding wildlife obstruction
 - The perimeter fence design should be revisited to allow for wildlife passage (small and large).
- Regarding site restoration
 - “pre-existing conditions” needs to be further defined and quantified to include:
 - Vegetation
 - Wetland extents
 - Topography
 - Rock outcrops
 - Soil aeration
 - Groundwater flow patterns
 - Reintroduction of duff, hard snags, soft snags, and other cover elements that are utilized by wildlife
 - Restoration of impacted soil layers, including the organic layer
 - Prior to any site disturbance there needs to be a thorough inventory of all existing conditions.
 - Regarding tree restoration (under site restoration)
 - A complete inventory, including species identification and core sampling to determine the age of trees should be done prior to any site disturbance.


- If mature trees are to be re-introduced for restoration there should be guidelines on the size and caliper of the trees and a timeline for the end goal of restoration.
- There has to be a long-term monitoring condition and an achievement status goal.

I, DAVID LAIUPPA, duly sworn, hereby verify that this statement was prepared by me or under my direct supervision and is believed to be true and accurate to the best of my knowledge.



David Laiuppa

The above signed, DAVID LAIUPPA, personally appeared before me and verified that the above pre-filed testimony to be submitted to the Connecticut Siting Council is true and accurate and is her free act and deed on this 25th day of April, 2024.



John F. Sullivan
Commissioner of the Superior Court

RESPECTFULLY SUBMITTED
PROPOSED INTERVENING PARTY
THE TOWN OF MANCHESTER

BY /s/ John F. Sullivan (309787)

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CERTIFICATE OF SERVICE

This is to certify that on April 30, 2024, a true copy of the foregoing has been sent electronically to the Service List dated April 25, 2024 and an additional fifteen paper copies have been submitted to the Connecticut Siting Council in accordance with its standing order.

A handwritten signature in black ink, appearing to read "JFS", is written over a horizontal line.

John F. Sullivan
Commissioner of the Superior Court