STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

GREENSKIES CLEAN ENERGY LLC,

Petitioner,

v. Petition No.

TOWN OF GLASTONBURY, 1694

Party,

and

CHARLES WALSH,

Intervenor.

HEARING

DATE: Thursday, March 12, 2026

TIME: 2:00 p.m.

BEFORE: John Morissette, Vice Chair
Connecticut Siting Council

LOCATION: Remote Proceeding
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

REPORTED BY: Richard Radwanski

JOB NO.: 7835807

A P P E A R A N C E S

ON BEHALF OF PETITIONER GREENSKIES CLEAN ENERGY LLC:

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF INTERVENOR CHARLES WALSH:

CHARLES WALSH, ESQUIRE, PRO SE

ALSO PRESENT:

Brian Golembiewski, Designee for Commissioner, Department of Energy and Environmental Protection, Connecticut Siting Council

Quat Nguyen, Designee for Chairman, Public Utilities Regulatory Authority, Connecticut Siting Council

Chance Carter, Member, Connecticut Siting Council

Khristine Hall, Member, Connecticut Siting Council

Bill Syme, Member, Connecticut Siting Council

Melanie Bachman, Esquire, Executive Director, Connecticut Siting Council

Michael Perrone, Siting Analyst, Connecticut Siting Council

Dakota LaFountain, Office Assistant, Connecticut Siting Council

Andy Bauer, Chair, Portland Clean Energy Task Force (by videoconference)

I N D E X

I N D E X (Cont'd)

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Petitioner:		
Exhibit 1	Petition for a Declaratory Ruling, Dated October 27, 2025, and Attachments	18/26
Exhibit 2	Sign Posting Affidavit, Dated March 2, 2026	18/26
Exhibit 3	Pre-Hearing Submission, Dated March 5, 2026	18/26
Exhibit 4	Responses to Councils Interrogatories, Dated March 5, 2026, and Attachments	18/26
Exhibit 5	Responses to Town of Glastonburys Interrogatories, Dated March 5, 2026	18/26
Exhibit 6	Responses to Charles Walshs Interrogatories, Dated March 5, 2026	18/26

P R O C E E D I N G S

THE VICE CHAIR: My name is John Morissette, Vice Chair 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 Elect Thomas Wiehl of the Public Utilities Regulatory Authority; Chance Carter; Khristine Hall; and Bill Syme. Members of the staff are executive director Melanie Bachman, siting analyst Michael Perrone, and administrative support Lisa Fontaine.

If you haven't done so already, I ask that everyone please mute their computer audio and/or telephones now. Thank you.

This hearing is held pursuant to the provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon a petition from Greenskies Clean Energy LLC for a declaratory ruling for the construction, maintenance, and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility and associated equipment, accessed from Old Maids Lane in Glastonbury and located on a parcel south of the Glastonbury town boundary in Portland, Connecticut,

and the associated electrical interconnection. This petition was received by the Council on October 27, 2025.

The Council's legal notice of the date and time of this public hearing was published in The Glastonbury Citizen on January 15, 2026. Upon this Council's request, the 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 upon the merits of this petition is prohibited by law. The parties and intervenors of the proceeding are as follows: The petitioner, Greenskies Clean Energy LLC, represented by Lee D. Hoffman, Esquire; Kathryn E. Boucher, Esquire; Liana Feinn, Esquire, of Pullman & Comley, LLC. The party, the Town of Glastonbury -- its representatives Michael Collins, Esquire, and Alan Curto, Esquire, of Halloran Sage LLP. And we have one intervenor, Charles Walsh, represented by himself.

We will proceed in accordance with the

prepared agenda, a copy of which is available on the Council's website along with a 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 Procedures. Interested persons may join any session of this public hearing to listen, but no public comments will be received during the 2 p.m. evidentiary session. At the end of the evidentiary session, we will recess until 6:30 p.m. for the public comment session. Please be advised that any person may be removed from the evidentiary session or the public comment session at the discretion of the Council.

The 6:30 p.m. public comment session will be reserved for members of the public who signed up to make brief statements into the record. I wish to note that the petitioner, parties, and intervenors, 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 with a 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 if spoken during the public comment session.

A verbatim transcript of this public hearing will be posted on the Council's website and deposited in the Portland and Glastonbury Town Clerk's office for the convenience of the public.

We will take a 10-to-15-minute break at a convenient juncture at around 3:30 p.m.

We have one motion on the agenda this afternoon. We have a motion from Greenskies Clean Energy LLC's objection to Charles Walsh's administrative notice Items number 1, 3, 4, and 6 dated March 11, 2026. Attorney Bachman may wish to comment.

Attorney Bachman, good afternoon.

MS. BACHMAN: Good afternoon, Vice Chair Morissette; and thank you.

Last night, Greenskies Clean Energy submitted an objection to Intervenor Walsh's March 5, 2026, request for administrative notice. This morning, Mr. Walsh submitted a response to Greenskies' objection.

Specifically, Greenskies objects to Item number 1, the Federal Highway Administration Highway Construction Noise Handbook, as irrelevant to

the proceeding and Item number 3, the Connecticut Secretary of State business records database; Item number 4, the Connecticut Department of Consumer Protection license lookup; and Item number 6, the Clean Focus Yield website, as too broad for administrative notes.

Item 1 relates directly to Exhibit 4, excerpted pages from the Federal Highway Administration Highway Construction Noise Handbook, on Mr. Walsh's March 5, 2026, exhibit list. Mr. Walsh did not author this exhibit. Therefore, staff recommends the Walsh Exhibit 4 be combined with Walsh Administrative Notice Item 1 and GCE'S objection to this item be denied.

Item 3 relates directly to Walsh Exhibit 7, CF Portland Old Maids LLC record from the Secretary of State website on Walsh's March 5, 2026, exhibit list. Mr. Walsh did not author this exhibit; therefore, staff recommends Walsh Exhibit 7 be combined with Walsh Administrative Notice Item number 3 and Greenskies' objection to this item to be denied.

Item 4 relates directly to pages 3, 15, and 16 of Mr. Walsh's March 5, 2026, pre-filed testimony that he authored. Staff recommends Greenskies' objection to this item be denied.

Although Greenskies has no objection to Item number 5, it refers to some unspecified Council proceedings on other solar facilities, some of which may or may not have a final decision rendered. And therefore, staff recommends that the Walsh Administrative Notice Item 5 be denied on the basis of non-specificity. And he has the ability to submit specific Siting Council final decisions at a later date.

Item number 6 relates directly to Exhibit 8, excerpt from Clean Focus Yield's website, on Mr. Walsh's March 5, 2026, exhibit list. Mr. Walsh did not author this exhibit. And therefore, staff recommends that Walsh Exhibit 8 be combined with Walsh Administrative Notice Item 6 and Greenskies' objection to this item also be denied.

Greenskies, the Council, and the Town of Glastonbury will have an opportunity to cross-examine Mr. Walsh on the resources that he did use to develop his pre-filed testimony and all of his exhibits in preparation for this proceeding.

Thank you, Mr. Morissette.

THE VICE CHAIR: Thank you, Attorney Bachman.

Is there a motion?

MS. HALL: I'll make a motion to deny

the requested exhibits as outlined by Ms. Bachman.

THE VICE CHAIR: Thank you, Ms. Hall.

Is there a second?

MR. CARTER: I'll second.

MR. GOLEMBIEWSKI: I'll -- oh, yep. Go ahead.

THE VICE CHAIR: Thank you, Mr. Carter.

We have a motion by Ms. Hall to deny the request -- deny the objection by Greenskies Energy LLC for Exhibits 1, 3, 4, and 6, and also to deny the inclusion of Exhibit Number 5.

Ms. Hall, is that your understanding of your motion?

MS. HALL: That's it. Thank you for doing that. I neglected to write down the exhibit numbers as we went along. Thank you for doing that.

THE VICE CHAIR: Very good.

And we have a second by Mr. Carter. With that, we will now move to discussion.

Mr. Golembiewski, any discussion?

MR. GOLEMBIEWSKI: I -- I have no discussion. Thank you.

THE VICE CHAIR: Thank you.

Mr. Nguyen, any discussion?

MR. NGUYEN: No discussion. Thank you.

THE VICE CHAIR: Thank you.
Mr. Carter, any discussion?
MR. CARTER: I have none. Thank you.
THE VICE CHAIR: Thank you.
Ms. Hall, any discussion?
MS. HALL: No discussion. Thank you.
THE VICE CHAIR: Thank you.
Mr. Syme, any discussion?
MR. SYME: I have none.
THE VICE CHAIR: Thank you.
And I have no discussion. We'll now move to the vote.
Mr. Golembiewski, how do you vote?
MR. GOLEMBIEWSKI: I vote to approve the motion as laid out by Attorney Bachman and yourself.
THE VICE CHAIR: Thank you.
Mr. Nguyen, how do you vote?
MR. NGUYEN: Yeah. I vote to approve the motion to deny.
THE VICE CHAIR: Thank you.
MR. NGUYEN: Thank you.
THE VICE CHAIR: Mr. Carter?
MR. CARTER: I vote to approve the motion as outlined. Thank you.

THE VICE CHAIR: Thank you.
Ms. Hall?
MS. HALL: I vote to approve the motion to deny.
THE VICE CHAIR: Thank you.
Mr. Syme?
MR. SYME: Vote in favor of the motion.
THE VICE CHAIR: Thank you.
And I also vote in favor of the motion. We have a unanimous decision. The motion for objection for 1, 3, 4, and 6 are denied. And the Exhibit Number 5 as proposed by Mr. Walsh is also denied. Very good. Thank you.
I call your attention to those items shown on the hearing program marked as Roman numeral I C, Items 1 through 101. Does any party or intervenor have an objection of these items that the Council has administratively noticed?
Attorney Hoffman or Attorney Boucher, good afternoon.
MR. HOFFMAN: Apologies. We appeared to have been muted by the Council. Good afternoon, Mr. Morrisette. We have no objection.
THE VICE CHAIR: Good afternoon, Attorney Hoffman.

Attorney Collins or Curto, good afternoon.

MR. CURTO: Hi. Good afternoon. I should mention, my colleague Michael Collins is not here this afternoon. So I'll be carrying the water myself today. The Town of Glastonbury has no objection.

THE VICE CHAIR: Thank you, Attorney Curto; and welcome.

Mr. Charles Walsh, good afternoon.

MR. WALSH: Good afternoon, Vice Chairman. My only comment is that I sent a -- my letter to Executive Director Bachman this morning. I noted that the link to Item number 41 -- 9 seemed to be incorrect and I believe that there should be a change in the link to Item 49. I don't know if the staff at the Council had a chance to check that link or not.

THE VICE CHAIR: Currently, we are addressing the administrative notices taken by the Council. So at this point, do you -- is there any objection to the administrative notices taken by the Council?

MR. WALSH: I -- I have no objection. I just would ask for a correction to the link on 49.

That's all. Thank you.

THE VICE CHAIR: Very good. Thank you. So noted.

MS. BACHMAN: Vice Chair Morrisette, we have corrected the link for Item 49 since the receipt of Mr. Walsh's letter. Thank you.

THE VICE CHAIR: Very good. Thank you.

MR. WALSH: Thank you.

THE VICE CHAIR: And thank you, Mr. Walsh.

Accordingly, the Council hereby administratively notices these existing documents. We'll now move on to the appearance by the petitioner. Will the petitioner present its witness panel for purposes of taking the oath, and Attorney Bachman will administer the oath.

Attorney Hoffman.

MR. HOFFMAN: Good afternoon again, Mr. Morrisette. So we have in Roman numeral II B exhibits for identification. There are six of those exhibits. They are the petition for declaratory ruling, the sign posting affidavit, the pre-hearing submission, the responses to the Council's interrogatories, the responses to the Town of Glastonbury's interrogatories, and the responses to

Mr. Walsh's interrogatories. We'd ask that they be marked for identification purposes; and then I'll -- we'll introduce, swear in the witnesses and get them marked for full evidence.

(Petitioner Exhibits 1 through 6 were marked for identification.)

THE VICE CHAIR: Very good.

Is there any objection to marking these exhibits for identification purposes, Attorney Curto?

MR. CURTO: No objection from the Town of Glastonbury, Mr. Morrisette.

THE VICE CHAIR: Thank you.

Mr. Walsh?

MR. WALSH: No objection.

THE VICE CHAIR: Very good. Let us proceed with the administering of the oath.

Attorney Bachman.

MS. BACHMAN: Thank you, Vice Chair Morrisette.

If the witnesses could all just raise their right hand. Do you solemnly swear or sincerely affirm as the case may be that the evidence you shall give concerning this case is the truth, the whole truth, and nothing but the truth, so help you, God, upon penalty of perjury?

MULTIPLE SPEAKERS: Yes.

MS. BACHMAN: Thank you.

THE VICE CHAIR: Thank you, Attorney Bachman.

Attorney Hoffman, please begin by verifying all the exhibits by the appropriate sworn witnesses.

MR. HOFFMAN: Certainly.

So we'll take this slightly out of order, and we'll start with Mr. LaMarche.

WHEREUPON,

JEAN-PAUL LAMARCHE,

called as a witness and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q Mr. LaMarche, are you familiar with the exhibits that were listed in Roman numeral II B?

A Yes, I am.

Q And did you prepare those exhibits or cause those exhibits to be prepared?

A Yes, I did.

Q And are they accurate, to the best of your knowledge and belief?

A Yes.
Q And do you have an amendment to one of those?
A I would like to change one.
Q What is your proposed amendment?
A So under the petition filing, the time of construction start I believe we listed as 6:30 a.m.
Q Yes.
A In the interrogatory responses, we agreed to change that to 7 a.m.. And I just want to make that clear, that we are changing our construction start time to later in the day.
Q Okay. And with that change, are all the exhibits accurate, to the best of your knowledge and belief?
A Yes.
Q And do you adopt them as your sworn testimony here today?
A Yes, I do.

WHEREUPON,

EMILIE COHEN,

called as a witness and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

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DIRECT EXAMINATION

Q Ms. Cohen, I have the same questions for you. Did you prepare or assist in the preparation of the exhibits listed in Roman numeral II B?

A Yes.

Q And with Mr. LaMarche's change, are they accurate, to the best of your knowledge and belief?

A Yes.

Q And do you have any further changes today?

A No, I do not.

Q And do you adopt those as your sworn testimony here today?

A Yes.

Q Thank you.

MR. HOFFMAN: Turning to Mr. Denardo.

WHEREUPON,

ERIC DENARDO,

called as a witness and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q Good afternoon.

A Good afternoon.

Q Are you familiar -- good afternoon. Are you

familiar with the exhibits listed in Roman numeral II B of the hearing program?

A Yes.

Q And did you prepare or assist in the preparation of those exhibits?

A Yes.

Q And are they accurate, to the best of your knowledge and belief?

A Yes.

Q And do you have any changes to those exhibits other than the one that Mr. LaMarche mentioned already?

A No.

Q And do you adopt them as your sworn testimony here today?

A Yes.

WHEREUPON,

RALPH DOWNARD,

called as a witness and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q Okay. Mr. Downard, you're going to have to answer the same questions. Are you familiar with the

exhibits listed in Roman numeral II B?

A Yes, sir.

Q And with Mr. LaMarche's changes, are they accurate to the best of your knowledge and belief?

A Yes, sir.

Q And do you have any changes to those other than that change that Mr. LaMarche made?

A No, sir.

Q And do you adopt them as your sworn testimony today?

A Yes, sir.

Q Thank you.

WHEREUPON,

ISAAC OLD,

called as a witness and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q Mr. Old, are you familiar with the exhibits listed in Roman numeral II B?

A Yes.

Q And did you prepare or assist in their preparation?

A I assisted in the preparation of Appendix L,

which is the noise study.

Q Very good. And do you have any changes to Appendix L?

A I do not.

Q And do you adopt Appendix L as your sworn testimony here today?

A I do.

Q Thank you.

WHEREUPON,

GORDON PERKINS,

called as a witness and having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q And finally, Mr. Perkins, are you familiar with the exhibits listed in Roman numeral II B of the hearing program?

A Yes, I am.

Q And did you prepare or assist in their preparation?

A Yes, I did.

Q And is the information with Mr. LaMarche's change accurate, to the best of your information and belief, in those exhibits?

A Yes.
Q And do you adopt them as your sworn testimony here today?
A Yes.
MR. HOFFMAN: With that, Mr. Morissette, I would ask that Exhibits II B 1 through 6 be adopted as full evidentiary exhibits in this hearing.
THE VICE CHAIR: Thank you, Attorney Hoffman.
Does any party or intervenor object to the admission of the petitioner's exhibits?
Attorney Curto?
MR. CURTO: No objection, Mr. Morrisette.
THE VICE CHAIR: Thank you.
Mr. Walsh?
MR. WALSH: Mr. Morrisette, I don't believe I received a copy of the hearing program from the Council. I have not seen a copy of that.
THE VICE CHAIR: Well, the hearing program is on the website, if you so choose to go on there and peruse it.
MR. WALSH: I -- I was just looking for it, sir; and I did not see it. I apologize.

MR. HOFFMAN: Mr. Walsh, I'm happy to email you a copy of it. But I will go over the list of exhibits again. They are, one, the petition itself, dated October 27th; two, the sign posting affidavit dated March 2nd; three, the pre-hearing submission dated March 5th; four, the responses to the Council's interrogatories dated March 5th; five, the responses to the Town of Glastonbury's interrogatories dated March 5th; and, six, the responses to your interrogatories, also dated March 5th.

MR. WALSH: Thank you. I appreciate that information.

THE VICE CHAIR: With that, Mr. Walsh, is there any objection?

MR. WALSH: No objection.

THE VICE CHAIR: Very good. Thank you. Exhibits are hereby admitted.

(Petitioner Exhibits 1 through 6 were received into evidence.)

THE VICE CHAIR: We'll now begin with cross-examination of the petitioner by the Council, starting with Mr. Perrone, followed by Mr. Golembiewski.

Mr. Perrone, good afternoon.

MR. PERRONE: Afternoon. Thank you,

Mr. Vice Chair.

CROSS-EXAMINATION

BY MR. PERRONE:

Q I'll begin with the response to Council Interrogatory 6. What benefit is the proposed facility expected to provide to the town of Portland?

A So this is Jean-Paul LaMarche with Greenskies Clean Energy. The benefits to the town of Portland will be similar to the benefits that we believe the proposed project provides to the state in whole -- at the whole, which were discussed in the -- the petition document. There's clear and clean air aspects, local energy, all of those. In addition to that, there will be some amount of tax revenue generated by the project for the City. And that -- that would be our answer.

Q Are the solar panels generally designed to be non-reflective? That is, able to absorb the majority of the sunlight?

A That is correct. That is the entire goal -- is to absorb the sunlight. And they are designed to minimize reflectivity.

Q Why were tracker panels selected versus fixed panels?

A There's, I guess, two reasons for that. One

aspect is we get higher energy production per acre and per module. So as they track across the sky, you get -- we get more energy, and that energy is the -- the main benefit of the project. So we are trying to maximize that. The second reason is in regards to where the equipment is manufactured and being able to secure domestically manufactured products.

Q Also, moving on to the tracker design, what's the maximum tilt angle for the tracker panels?

A I would have to look at the specific spec sheet; however, I believe it is 45 degrees each direction.

Q And what would be the approximate minimum height from the bottom of the panel to the ground?

A The approximate minimum height that we would typically install for would be around 18 inches. That satisfies permit -- code requirements, constructability requirements, production requirements. I would expect in reality that they will be probably closer to 3 feet for the most part.

Q Moving on to the response to Council Interrogatory 62. Would installation of the tracker system posts affect groundwater?

A Sorry. You said would it affect groundwater?

Q Yes.
A No.
Q And moving on to response to Council Interrogatory 39, has GCE had any discussions with the fire department regarding the availability of fire water, such as whether the hydrant would be suitable or if tanker trucks would be needed?
A I'm not aware of any specific discussions regarding that.
MR. LAMARCHE: Emilie, are you aware of any specific discussions?
MS. COHEN: No, I'm not.
MR. LAMARCHE: Okay.
My answer would be no, then.
BY MR. PERRONE:
Q Moving on to the response to Council Interrogatory 45 that gets into airport distances. We have the distance to Tweed. Do you have the approximate distance to Bradley from the proposed site?
A I do not. We can -- we can measure that and get back to you.
Q Sure. And moving on to the response to Council Interrogatory number 1, Attachment B. Where does GCE anticipate installation of vegetative

screening?

A Where does it -- I don't believe we plan on any vegetative screening.

MR. LAMARCHE: Correct, Emilie?

MS. COHEN: Yeah. That's correct.

BY MR. PERRONE:

Q And response to Council Interrogatory 56 -- where is the nearest publicly accessible recreational area that's not associated with the school?

A I don't think that we looked that up. Obviously, farther away than the school. Would you like us to try to figure that out? I -- I don't know it.

Q Sure. We can come back to that. Moving on. Are there any State or locally designated scenic roads approximate to the proposed facility?

MR. LAMARCHE: Emilie or Eric, do you have an answer on that one?

MR. DENARDO: I do not.

MS. COHEN: I do not believe there is. But I can double-check.

BY MR. PERRONE:

Q And lastly, response to Council Interrogatory 60, which gets into the access road design for fire tanker trucks -- does the access road

design take into account the weight of the fire department tanker trucks?

MR. LAMARCHE: Eric?

MR. DENARDO: Yes. So we have contacted the tanker dimensions associated with emergency response. In terms of the actual design intent, at this point there is no soil-bearing capacity evaluated as part of the preliminary design. However, that is something that we would do as part of the final design.

Right now it does account for, you know, general vehicular traffic with geotextile fabric and road base. However, you know, soil-bearing capacity can be evaluated as part of that to determine whether or not there's any concerns.

MR. PERRONE: Thank you. That's all I have for GCE right now.

MR. LAMARCHE: And going back to your question on the distance to Bradley Airport, we have measured it as 21.3 miles.

MR. PERRONE: Thank you.

MR. PERKINS: I can also shed some light on the scenic road. The nearest scenic road is approximately 2 miles to the north of the facility site, and it's Rocky Hill-Glastonbury -- is the -- is

the scenic road designation. I don't have a specific road name. Maybe Route 160. Yeah. I think it's Route 160.

THE VICE CHAIR: Thank you.

MR. PERRONE: Thank you.

THE VICE CHAIR: Thank you, Mr. Perrone.

Just as a reminder to the panel, please state your name for the record so that the court reporter can capture it for the record --

MR. PERKINS: I apologize.

THE VICE CHAIR: Thank you.

MR. PERKINS: The -- the last commenter was Gordon Perkins.

THE VICE CHAIR: Thank you.

So, Mr. Perrone, we still have one open question relating to the closest recreation area?

MR. PERRONE: Yes.

THE VICE CHAIR: Okay. Very good. And, the panel, at your convenience, if you could find an answer to that; and we can redress it right after break. Thank you.

Okay. We'll now continue with cross-examination of the petitioner by Mr. Golembiewski, followed by Mr. Nguyen.

Mr. Golembiewski, good afternoon.

MR. GOLEMBIEWSKI: Good afternoon, Vice Chair. I have a few questions for -- I believe it will be Mr. Downard who did the wetland delineation or was involved in the wetland delineation.

CROSS-EXAMINATION

BY MR. GOLEMBIEWSKI:

Q I guess I have a fairly basic question. We have wetlands that are in the wetland delineation report. They're shown on a general survey. And then they, I guess, are not wetlands and not shown in the design plans. So I was wondering if someone could explain to me how we went from wetlands to no wetlands now.

A This is Ralph Downard speaking. They -- they were doing it as wetlands, but they were deemed not to be jurisdictional by the Army Corps of Engineers. And that's why they were removed from the final development plans.

Q Oh, okay. So we are subject to Connecticut State statutes. So we would -- so our review is based on the definition of wetlands and watercourses under our statutes. So what -- how are these wetlands --

So I understand the whole jurisdictional thing, and I read that. And they're not --

essentially, they're not connected, I think -- is what was determined. So I got that. So, now, how are they not wetlands per Connecticut statutes or watercourses per Connecticut statutes?

A They didn't contain hydric soils. They were considered wetlands by the federal definition because you were allowed to -- well, not allowed. But you were required to exclude the soils parameter because the soils had been removed by the extractive use operation. But with the -- but with the Connecticut definition for wetlands, there are no hydric soils. So there are no wetlands for the -- for the Connecticut definition as well, sir.

Q Okay. So hydric soils is not in the Connecticut definition of wetlands?

A No. It is. But there are no -- I mean, they didn't have hydric soils. But --

Q So you're saying they're not poorly drained or very poorly drained or alluvial or floodplain soils?

A That's correct, sir.

Q Okay. What about watercourses? Do they fit any of the definition of watercourse?

A No, sir. The wetlands that form the property basically were result of erosion and -- and

sediment control measures that were developed when they were using the property for an extractive use operation. And then they were just abandoned. So, really, they -- they barely met the definition for a federal wetland. They don't even come close to matching -- meeting the definition for a state wetland.

Q Okay. And that is because the soils are too shallow? You have bedrock at, like, 4 to 5 inches? Three to five inches?

A Yeah. I would say, yes, 2 to 4 inches. It's bedrock; and it's just basically erosional material that has deposited on top of the bedrock above that, with a little bit of organic matter. So the -- the soils are virtually absent. I mean, if you consider them just as soils, they're -- they're very young soils. And -- and they contain no characteristics of a hydric soil.

Q Okay. So -- but -- so I guess I'm -- so they're entisols; right? But --

A Correct.

Q They're not -- you're saying they're not aquents. They're not --

A Correct.

Q They don't have an --

A They don't have an aquic moisture regime. Correct.

Q Okay. But why are they dominated by obligate and facultative wet plants? And in your Army Corps reports, your determination data sheets, you do say there's hydric -- there's wetland hydrology present and you have hydrophytic -- dominant hydrophytic vegetation. So why aren't they -- why wouldn't these areas fit the State definition of "watercourse"?

A Because they didn't have a defined bed and bank. Basically, the -- the indicators of the hydrology was basically rutting. There were ruts in -- in the area that indicated that they were -- that they were saturated at some period of time. And that was primarily just because they were designed to -- to manage storm water. And that management system was actually starting to fail.

Q Okay. So are you saying that they were in a perched condition? That the water was somehow trapped there?

A Well, it's perched on top of the -- perched on top of the -- it's -- it's perched on top of the bedrock. The bedrock obviously doesn't allow the water to infiltrate vertically, so it's just flowing

across the surface.

Q And -- but --

A With no defined channel.

Q But wetlands and watercourses can be created. So did the excavation of the gravel essentially excavate down to a point where groundwater is within that top foot of the -- I mean, not that there's even a foot of soil. But it makes you think that these soils are -- this 4 inches or 3 inches soil is saturated at some point during the growing season if you have obligate and facultative wet plants there?

A So it -- it -- there is no connection to the groundwater table. The source of the water is -- is primarily -- well, that was -- is completely stormwater runoff.

Q So stormwater runoff -- so from where?

A From just the -- the upland areas, from the -- the remainder of the site.

Q Okay. And so --

A So -- so just water collecting, you know, from -- from the upslope areas, draining downslope towards the -- the pond.

Q Okay. So you're saying it's just surface water? So it's not groundwater that's running along the surface of the bedrock from areas, say, east

and north of the site of these areas?

A That's correct. Right. We saw no indications of -- of a -- a water table. There was just -- but because the soils -- I mean, it was -- they were barely wetlands in any case, even with the federal definition. But to be prudent, we -- and to protect our client, we can -- we -- we went ahead and mapped these areas as being marginally wetland and then went to the Corps of Engineers just to make sure that they weren't within their jurisdiction.

Q Okay. And so I just want to make sure: So you're saying there is no groundwater base flow that is discharged to any of these wetland areas?

A Yes, sir.

Q Okay.

A Well, that's within the core area. I mean, obviously, there are wetlands on the far side of the site associated with that stream.

Q Yeah.

A We're not talking about those wetlands; correct, sir?

Q No. Just talking about your A through D, A --

A Yes, sir.

Q -- Wetlands A through D. Okay.

A Yes, sir.
Q And these wetlands are not a reflection of the local groundwater table, and they are, elevation-wise, higher than that pond?
A Yes, sir.
MR. GOLEMBIEWSKI: Okay.
All right. That's all I have. Thank you, Vice Chair.
THE VICE CHAIR: Thank you, Mr. Golembiewski.
We'll continue with cross-examination of the petitioner by Mr. Nguyen, followed by Mr. Carter.
Mr. Nguyen, good afternoon.
MR. NGUYEN: Good afternoon, Mr. Vice Chair.
And good afternoon, everyone. Just a couple.

CROSS-EXAMINATION

BY MR. NGUYEN:
Q Just want to follow up with Mr. Perrone's question regarding Question number 1 and regarding Exhibit B. The company indicated that it had no plan for visual -- for vegetative screening; is that right? And if so, could you please explain why.

A This is Gordon Perkins from EDR. I'm happy to take that question. We -- we performed a visibility analysis of the proposed solar facility. And it demonstrated that, generally speaking, the visibility was contained to the site itself in addition to some locations along the access road and -- and going out to a very small portion of Old Maids Lane.

There's extensive vegetative cover surrounding the entire site. And for that reason, the site is primarily screened from most locations. It's my professional opinion that vegetative screening on this site wouldn't offer any additional visual screening of the project nor would it be necessary to do so, based on the minimal visibility that exists there.

Q Okay. Another question regarding the inverter -- the inverter location to the property, I believe it's around over 200 or so; is that right? To the property line of the school building?

MR. LAMARCHE: Okay. Can you say the -- the last part of your question again. The inverter location was what?

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CROSS-EXAMINATION

BY MR. NGUYEN:

Q Yes. The distance from the inverter location to the property line, I believe, in the records show somewhere around 200 or more than 200 feet. Is that right?

A Yeah. I think that sounds right. I think where -- where that location came into play would've been in the Nayaug study. So I -- I guess I would have to go back to the Nayaug study to double confirm that, rather -- but that -- that generally sounds correct.

Q Yeah. It's in the records. It's in the records. Do you know the distance between the inverter to the school building?

A I -- I believe that the school building was part of the Nayaug study. So we could pull it out from there, but I don't have it on the top of my head.

Q Yeah. It'd be great if you -- you know, part of the reading if you could get that.

MR. NGUYEN: Would that be okay, Mr. Morissette?

THE VICE CHAIR: Let's see if we can address that during the break.

MR. NGUYEN: That'd be great.

THE VICE CHAIR: That's the inverter distance to the school?

MR. NGUYEN: Yes.

THE VICE CHAIR: Very good. Thank you.

MR. NGUYEN: And thank you. And that's all I have.

THE VICE CHAIR: Thank you, Mr. Nguyen.

We'll now continue with cross-examination by Mr. Carter, followed by Ms. Hall.

Mr. Carter, good afternoon.

MR. CARTER: Good afternoon, Mr. Morrisette.

And good afternoon, all. I hope that y'all got to enjoy the fake spring that we had for the past few days. I won't take up too much time. I only had a few questions.

CROSS-EXAMINATION

BY MR. CARTER:

Q The first was -- I took a look at the emergency response plan that was included. And I just was wondering, based off of what was included in it, was anyone from the Glastonbury Fire Department consulted? I know that it's, like, on the town line. I just wanted to know based on, you know, just wanting to make sure all the ducks are in the row in case of

any potential need for additional support.

MR. LAMARCHE: Emilie, please correct me if I am wrong.

But, no, we have not consulted with the Glastonbury Fire Department as part of that.

BY MR. CARTER:

Q Okay. And then I did see that y'all had the firehouses for Portland included. Did y'all have the distances from the project to the firehouses available?

A I do not have that available, so we'd have to get back to you on that.

Q I would appreciate that.

MR. CARTER: Mr. Morissette, I think we might have more homework during break.

BY MR. CARTER:

Q And then the other thing was would it be possible, then, to -- I'm not sure if this is something that might be doable during break. But at some point, I just would like to see some way for other -- I would like to see the distances just because I do know, just by being in the area, that there is a firehouse that Glastonbury has that I don't think is too far. So I just would really like to see those businesses. And then, if possible, some

additional consultation would be nice, in my opinion.

A Yeah. Happy to do additional consultation. No -- no problem with that. For the distance, would you prefer straight-line distance, like as a bird flies, or road distance?

Q I would prefer road distance since I don't think they can have aerial support at this point.

A I -- I figured that was your -- your question.

MR. CARTER: Thank you. And then that was all that I have, so thank you.

THE VICE CHAIR: Thank you, Mr. Carter.

We'll now continue cross-examination by Ms. Hall, followed by Mr. Syme.

Ms. Hall, good afternoon.

MS. HALL: Good afternoon.

CROSS-EXAMINATION

BY MS. HALL:

Q Just a couple of questions. Do you anticipate doing pile driving during school hours?

A No, we do not anticipate doing pile driving during school hours. Our complete goal -- and we would prioritize it as trying to make it work -- is to do all pile driving during the summer.

Q Okay. All right. That presumes everything

is going to be in order and you can move ahead this summer on it; correct?

A No. This would be 2027.

Q 2027. Got it. Okay. All right.

A Yes. Our plans for construction are 2027, not 2026.

Q Okay. Thank you for that clarification. The screening, you said, would be taken care of through natural vegetative cover. Is that year-round?

A Yes. I mean, yes, that would be year-round. I understand that leaves will not be there year-round, but there will still be a screening effect from the trees. There's really quite a bit of dense trees in a distance of trees. The visual simulations that we did was in leaf-off conditions.

MS. HALL: Okay. All right. Thank you. I don't have any other questions. Thank you.

THE VICE CHAIR: Thank you, Ms. Hall.

We'll now continue with cross-examination by Mr. Syme, followed by myself.

Mr. Syme, good afternoon.

MR. SYME: Good afternoon, everybody.

CROSS-EXAMINATION

BY MR. SYME:

Q We touched on the wetlands and -- with

Mr. Golembiewski, and I think that answered my -- somewhat my question. But my other question was this project right here, from my understanding, there's only -- there's four telephone poles to be added in. But it looks like most of the distance -- because this is quite a distance from Old Maids Lane where I guess you're making a connection on Pole 1972. So there's two poles on top of the hill, and then you're going to run underground for the distance along the school and whatnot and then lift up again across the road. Is that correct?

A Across which road?

Q Old Maids Lane. Because your connection to Utility Pole 1972 is across Old Maids Lane.

A Correct.

Q So you'll be underground until you get to the road, and you're going to lift again cross the road?

A Yep. There'd have to be a rise pole at the north end.

Q Yeah. Okay. And then at the top, there's just two poles at the top. So there's no poles running alongside of the access road, alongside the school, and all that stuff. So --

A Yeah. That private access road, the feeders

would be underground at that location. They'd be trenched.

MR. SYME: Okay. Very good. That was my -- just clarification. That's all. Thank you. I'm all set.

THE VICE CHAIR: Thank you, Mr. Syme.

I have a couple questions just for clarification on the record. First one is relating to Interrogatory Number 3. It indicates it's a non-residential renewable energy solutions contract. And I'm assuming that's for the entire 4 megawatts? One contract?

MR. LAMARCHE: Correct.

THE VICE CHAIR: Okay. And therefore, the interconnection facilities -- you have one utility meter at the road and then one utility meter at the top of the hill?

MR. LAMARCHE: There will only be one -- only one utility meter.

THE VICE CHAIR: I mean the customer meter. Sorry. I misspoke.

MR. LAMARCHE: Yeah. We -- we generally find that we are able to eliminate the customer meter. So that's -- that's how we are reducing our pole count, is getting rid of the

customer meter.

THE VICE CHAIR: Very good. Well, I want to recognize you for your efforts in reducing the impact of the interconnection facilities. Well done.

I have a couple questions relating to the site layout. Now, I noticed that the fence line in relation to Question number 24 -- the non-residential Glastonbury properties, you have three properties -- and I'm assuming that they're all on the north side of facility -- that have 0 feet to the property line from the fence. And I am assuming that's the north border line; is that correct?

MR. LAMARCHE: Eric, was this you who put this together?

MR. DENARDO: Yes.

Eric Denardo. Yes. That is correct. That was done in nature because there is an existing access road that carries along the northern portion of the property and we're -- in order to reduce the impervious area associated with the development of the site, we're going to utilize the existing gravel access road to the best extent possible.

THE VICE CHAIR: Okay. Now, does the Town have a setback for roads and fences?

MR. DENARDO: We can confirm in terms

of the setback requirement for the roads and fences. I don't have that information offhand.

THE VICE CHAIR: Okay. So that's an existing gravel, and so you're going to enhance it to make it a usable access road for the facility. So I'm curious as to why the entire facility, I'll say, hugs the north side of the property line rather than be centered or even sit to the south. Is there a reason why it was laid out in this fashion?

MR. LAMARCHE: I will -- this is Jean-Paul. I will answer somewhat generally, and let me know if you would like to go into more specifics.

THE VICE CHAIR: Let's start there. Thank you.

MR. LAMARCHE: But the project was designed based off of -- or the layout of the system was designed based off of, you know, three main drivers that dictated the shape and location of the array. Well, one is the topography of the site and coming up with an array design that enabled a grading plan and a stormwater design management plan that was viable for the project and also in line with all State regulations and the Appendix I of the Stormwater General Permit. That caused some change.

There were certain areas on site that

we were avoiding as well based off of topography and, I guess, soil conditions/resources of the soil on the very southern end. I believe there were, like, some fossil areas and rock outcroppings that we had to stay away from as well as treed areas and sort of, like, the south-central area of the site, where we avoided shading so that we did not have to do tree removal there.

And then the third reason for the third design constraint is trying to minimize impacts to, you know, other -- other items, such as proximity to neighbors; you know, in -- in general visibility; or sensitive species or culture; right? Like, all of those different items are taken into account; and the area that's left and available is where the design is.

Does that satisfy your question?

THE VICE CHAIR: Well, no. Not really. It -- on a high level, it does; but it doesn't -- you know, there's a lot of room to the south. And --

MR. LAMARCHE: Let me --

THE VICE CHAIR: And you're -- well, let me just finish this thought here. There's a lot of room to the south, and you're encroaching on the north property lines. So I'm thinking, you know, is there a possibility to move it to the south?

But by doing that, are you increasing visibility to the site? So that's not clear to me either. So that's an additional question that I would have: If you move it, does it increase visibility?

MR. LAMARCHE: Moving to the south has, I guess, negative aspects from the perspective of having a larger topographic impact and need for substantially more grading, which potentially makes the project completely non-viable as well as requiring tree removal from a shading perspective that we do not want to do.

THE VICE CHAIR: Okay.

MR. PERKINS: And if I -- if I could add to that, if you don't mind.

THE VICE CHAIR: Please do.

MR. PERKINS: This is Gordon Perkins at EDR. We've actually done some specific investigations internally to determine potential visibility of the project. And interestingly, from Old Maids Lane, you can actually see portions of the site. And none of those portions that are exposed from Old Maids Lane would be occupied by solar panels. So we feel that visibility would be increased if the solar project were to be moved to the south.

THE VICE CHAIR: Okay. So let me make

sure I'm -- now, the slope to the south, it quickly goes up; is that correct?

MR. LAMARCHE: Eric; is that correct? Is it going up that direction?

MR. DENARDO: Yes.

Hi. Eric Denardo. I -- I wanted to kind of, you know, provide additional information specific to this as well. So you are correct.

In addition to that, the main intent here is to -- and I'm going to get into this further along once we get into more specifics on stormwater and soil erosion as they come up. But we are maintaining a less than 15 percent throughout, in accordance with Appendix I. As we start to move more to the south of the property, we do have a lot of peaks associated with that. So in order for us to maintain that 15 percent, we have to either relocate soil -- and we also have to expand the limit of work.

So as soon as we start to rework and regrade the area for the potential solar arrays, so that we don't have to account for them as impervious area as defined by Appendix I, we also have to expand that work area to make sure that we tie back in to existing grades. So it would actually further implicate the overall limit of disturbance associated

with the actual development piece.

THE VICE CHAIR: Got you. So if I can just kind of summarize. So it appears that where the arrays are currently planned is relatively, I'll say, flat and that by moving it to the south, you would -- it would require more grading because the slope changes quickly. So you would be performing more cutting and tree clearing and therefore also opening up visibility from the road as well and also impacting your stormwater. Does that kind of, at a high level, summarize it?

MR. DENARDO: It -- it is. I would like to point out in addition to that, you know, it's relatively flat on the eastern portion of the site. As we move from east to west, that's where the excavation activities used to occur. So there is a very steep slope associated with that portion of regrading so that we can maintain the 15 percent. Otherwise, we would be in roughly, you know, 20 to 25, if not 30, percent with the existing conditions that are out there. So as part of our valuation for cut-fill, while we relocated and regraded, we minimized the amount of export or import associated with the development.

THE VICE CHAIR: Okay. Great. Thank

you. That was helpful.

Okay. Well, that concludes my questioning for this afternoon. And thank you, panel, for your responses.

So at this point I have four open questions. The first question is the recreation area distance that's not a school -- not the school; the distance of the inverters to the school; the distance from the firehouse; and what, if any, setbacks are the Town's ordinances for road and fences. Okay. All right. If we could get answers to those at the break, I would fully -- I would appreciate it.

So now we will continue with cross-examination of the petitioner by the Town of Glastonbury.

Attorney Curto, good afternoon.

MR. CURTO: Good afternoon, Mr. Morrisette.

And good afternoon, Attorney Hoffman, nice to see you again.

And, ladies and gentlemen from Greenskies, because you have a large number of representatives, I'm just going to ask my questions to the group. And then the most appropriate person can answer them, if that's okay.

All right. My questions, I don't have too many. They're under two or three broad categories. The first would be construction schedule and noise, the second being visibility/glare, and the third being decommissioning.

CROSS-EXAMINATION

BY MR. CURTO:

Q So starting with construction schedule and noise, I heard from the response to Council Member Hall's question about scheduling that the current plan is from May to November 2027. Is that a change from 2026? Because my original understanding was that it was going to be done this year. Is that a change?

A This is Jean-Paul with Greenskies. I am not completely sure the most recent information you have seen other than this discussion. However, at the time that we were originally submitting the project, we likely would've been targeting 2026 for construction. But given where we are now and where we are in 2026, that's just no longer a possibility. So we have moved it to 2027.

Q Okay. I would just like to reserve the right to comment on that because I obviously haven't had a chance to talk to the Town about it. So I'd like to do that.

So I'm referencing the December 19, 2025, Greenskies proposal to the Town of Glastonbury and Attorney Charles Walsh. There was a discussion in that document. And also, it was referenced -- not that document but the issue -- was referenced in the question to Council Member Hall. I know that there's an intent and a hope, I guess, an aspiration, that all of the driving of the piles could be done during the summer, whether it's the summer of '26 or the summer of '27. Is it possible to do all the pile driving over the course of the summer break if required to do so? For example, late June to the end of August?

A It is possible to do the pile driving in that period of time, yes.

Q Okay. If that's the case, would Greenskies be amenable to a decision condition requiring that?

A You know, I would really rather not have a hard restriction just in case, you know, something happens; right? There's a need to start a week earlier, or there's a delay during construction. There's storms. And, you know, what happens if we get to the end of summer and we need four more days of pile driving; right? Are we stuck having to wait for a year to finish it up?

So from our perspective, we would prefer to

not have a hard restriction. I -- if that was imposed on us, we would do our best to figure it out. But, no, I would -- I would rather not do that.

Q Okay. Again, referencing Council Member Hall's question and the response, if I recall correctly, I believe what was said in response was that you would not drive piles when school was in session. Is that correct?

A My recollection is -- was the -- was the intent to not drive piles during the school's session? And the intent is absolutely to not do it. We are planning on not driving during school.

Q No. I understand your point that -- you know, let's say, God forbid, we get two straight weeks of rain during summer '27 and that puts you behind schedule. How would that work? So if you have to go past the summer break, the summer school break, to drive piles and you're now into September and school is obviously back in session, in order to drive piles during that period but not do it while school was in session, would you -- what would you do? Do it --

A No. I think in that -- in that situation, we would have to drive piles while school was in session. It would -- it would have to be a daytime activity.

Q Okay. So it would be Monday through Friday during -- during whatever the construction hours were? Seven to --

A Seven to three, I think it is.

Q Yeah. Seven -- okay. Seven, three. All right. Okay.

Reference Greenskies' response to the Town of Glastonbury's Interrogatory Number 1, I just want to confirm that -- here today on the record that, per that response, Greenskies is agreeable to a decision condition requiring Greenskies to avoid construction and maintenance equipment and vehicular traffic on Old Maids Lane during Nayaug School student drop-off and pickup times. Those are those two windows in the morning and the afternoon that you were provided with from the Town's comments?

A Correct.

MR. HOFFMAN: Well, Mr. Curto, I want to object because I don't think that you accurately characterized the predicate of -- if the answer is do we stand by the response of Interrogatory 1, the answer to that is yes. But I disagree with your characterization of it, of Interrogatory 1.

MR. CURTO: My apologies, then, Lee. I tried to quote the interrogatory accurately. I wasn't

trying to change the language. I'm trying to get the -- get it up on the screen.

MR. HOFFMAN: But we -- I think it would be fair -- Mr. LaMarche would say that he will stand by what he said in Interrogatory 1.

MR. LAMARCHE: Yes. That is correct.

MR. CURTO: Okay. Well, if you don't mind, I'll just read it because I've got it up on my screen.

MR. HOFFMAN: Perfect.

BY MR. CURTO:

Q "Will Greenskies Clean Energy agree to avoid facility construction and maintenance equipment and vehicular traffic on Old Maids Lane during student drop-off and pickup times at Nayaug Elementary School as provided to Greenskies from time to time by the Town of Glastonbury and/or the Glastonbury Board of Education?" So the response given to the interrogatory was yes. And so as we just heard, Greenskies is agreeable to doing that; is that --

A Correct. Yes.

Q Okay. Great. Thank you.

Okay. Among the materials listed in the Council's documents for which administrative notice is being taken, I'm referencing Petition number 1602,

which was another solar installation petition. Decision -- the Decision Condition 11 in that docket requires a post-construction operational noise study and any mitigation measures if necessary. Would Greenskies be amenable to an analogous condition for this facility? In other words, once it's constructed and it turns out that there are noise issues, would Greenskies be agreeable to the same condition? Meaning a study and any mitigation that's required?

A Yes.

Q Okay. All right. Moving on to the visibility and glare questions. I'm referencing Exhibit B to the responses to the Council interrogatories, the ForgeSolar glare analysis.

Can some -- I actually tried to educate myself a bit on the concept of glare. You know, with, with Google and AI and such, anyone can be an expert on anything in 30 minutes or less. But I'm going to need a little bit of help. Can someone from Greenskies explain the difference between visibility and glare?

A Glare is -- this is Jean-Paul with Greenskies. Glare is specifically the effect of light reflecting off of the surface of the modules in this case and creating a bright light effect to the viewer,

whereas visibility would be being able to see the modules regardless of the reflectivity of it.

Q Okay. And does glare represent a spectrum of -- "spectrum." Poor choice of words. Confusing two concepts here.

Does glare represent a range of reactions in people who experience glare, in other words? So, like, a reflectivity, a flash, is that considered a mild species of glare?

A Yes.

Q And so -- and then glare proceeds from there to be something that causes, you know, discomfort or the need to look away. And then in severe cases, it can actually cause pain or something equivalent to that. So all of that is included in the concept of glare; is that correct?

A Yeah. That is my understanding, that that is all included in the concept of glare.

Q Okay. So that means that while an object may generate no glare, it still may be visible; correct? Something that --

A Absolutely. Yes.

Q So the two concepts are not inclusive of each other. Okay. And you already asked -- answered my next question. So reflectivity is considered a

species of glare. Did the ForgeSolar glare analysis take into consideration reflectivity?

A Yes. Yes. At -- at the heart of the analysis is light that is from the sun that is reflecting off the glass surface of the modules.

Q Okay. On page 2 of the glare analysis, the assumed panel material -- I'm quoting from the study -- "smooth glass without AR," Anti-Reflective coating. I assume AR means Anti-Reflective coating?

A Correct.

Q Can you explain why that assumption was made? No anti-reflective coating?

A Yeah. Because it's the -- it's more of a worst-case scenario.

Q Okay. Because if I recall correctly, in a response to one of the questions from the Council, someone from Greenskies did confirm that you will be using anti-reflective coating on the panels that are used?

A So the question was are the modules designed to minimize reflectivity and absorb as much of the solar -- the solar rays, the light as possible? And, yes, they are. Right? Like, the location of them, the angle of the modules, and the type of glass are all designed to absorb light because if we are

reflecting light, we're -- you know, we're -- we're not accomplishing what we want of turning that sunlight into electricity. So they are all designed to minimize reflectivity.

There is a coating that you can put on top of the glass that further reduces the glare or the reflectivity. I am not 100 percent sure if the modules that would be used for this project would have that coating or not. But for the purposes of this, we have assumed they will not because it is a -- it gives a simulation from the software that has higher glare values. So we wanted to assume a more worst-case scenario to make sure that we were not missing anything.

Q Okay. So moving from the glare study to the real world, is -- so if I understood your answer correctly -- so that the panels themselves have an inherent -- will have an inherent quality of being anti-reflective. And in addition to that, there is the option, I guess, of putting an additional coating on those anti-reflective panels which will add a second dimension of anti-reflectivity to the panels; is that correct?

A That is generally correct.

Q Okay. Is there a downside to adding the

anti-reflective coating?

A I -- I think there -- I -- yeah. Yes. I mean, I mean, short answer is yes. I think there's always downsides with anything. Everything's pros and cons. I do think there is a downside to this.

One of the main downsides for us is product availability. And it's -- you know, we have to be able to have the right domestic modules available at the time and within our purchasing agreements and all of that. And requiring that coating limits that, so it -- so it's -- it's more restrictive.

Q Okay. All right. Sticking to page 2 of the glare study. Can someone explain the difference between the first table of vertexes.

And you'll probably have to look at it. I apologize. I thought I was going to be able to share my screen, but I guess we don't have that option today.

Can someone explain the difference between the first table of vertexes and the second table being discrete observation point receptors.

A Yeah.

Q And what drew me to those two tables, if I'm reading them correctly -- again, big "if" -- can someone explain the difference between the two heights

above ground? Because the first table assumes a height of 10 feet and the second table assumes a height of 0 feet. I was wondering why the difference, if that in fact is a difference, if I'm understanding it correctly.

A It is a difference. That's a good point. The Table number 1 is defining the location of the solar panels. So essentially, if you see that blue polygon in the -- directly in the drawing directly above Table number 1, that is the, you know, general location of the array.

There are a number of points that define that polygon. Those are the vertexes, the -- the locations that define the area of the array.

The direct observation point receptors are points where the software is looking at the existence of glare. So it is where the simulations are based around.

Q So you're looking at glare at a height of 0 feet in the second table of discrete observation point receptors?

A Yeah. I -- I guess I -- I understand the question. And I acknowledge that the height -- if -- if that -- if that data point in that table is correct, that the simulation is basing it off of a

viewpoint that is sitting on the ground, that -- that study is inaccurate because you would want that height to be, let's say, 6 feet tall; right? Like, the -- the height of a viewer or, if you're talking about the second story of a location, you know, higher than that; right?

Q Yeah. No. That's why I asked.

A So I would -- I would like to assume that this is a misrepresentation of the study that was done, but I can't actually make that assumption without going into the simulation and looking at it. So what I can say is, if this is indeed a mistake, we will 100 percent redo it and reconfirm that there is no glare for a more realistic height of the observer.

Q Yeah. Because, obviously, it's one of two things, obviously: either the height was misrepresented in the table -- and depending on what that height is, that would be fine. On the other hand, if it's accurate, then, as you say, it wouldn't be an accurate representation of the glare at a normal person's height.

A Yep. I -- I agree with your assessment.

Q Okay. Thank you. So I assume, based on what you're saying, that Greenskies would be -- is going to check that out. And if it is -- does turn

out to be the -- if the table is correct and the study is not accurate, then you'll redo it?

A We will redo it and then, by way of redoing it, confirm the data and update everybody, regardless of the outcome.

Q Okay. Thank you very much.

THE VICE CHAIR: Before we continue, Mr. LaMarche, is that something that you can check at the break? Or are you going to -- we going to need a late file? As you can appreciate, I would prefer not to have any late files.

MR. LAMARCHE: We will do our best.

THE VICE CHAIR: Okay. Please do your best, and let us know what you think and see if we can close this out after the break.

MR. LAMARCHE: Yep.

THE VICE CHAIR: I would appreciate that.

MR. LAMARCHE: I would love to -- sorry. I would love to say it's as simple as quickly getting into the software, confirming the heights, rerunning it. But, you know, I -- I'm not 100 percent sure how long it'll take.

THE VICE CHAIR: Certainly. Take a look at it, and let's -- we'll go from there. Thank

you.

Attorney Curto, please continue.

MR. CURTO: Thank you, Mr. Morrisette.

BY MR. CURTO:

Q On page 5 of the glare analysis, the first statements discussed green glare and yellow glare but there's no mention of red glare. In my attempts to educate myself on the subject of glare, I discovered that there are three species: green, yellow, and red, if I'm correct. And there is such a thing as red glare. Is there a reason why the study does not mention red glare?

I'm assuming -- let me just add, I am assuming that, you know, the glare gets more intense as you move from green, yellow, to red. But that's just an assumption on my part. So --

A You know, in -- in these different studies, I have never seen red glare. So I do not share your assumption that, one, it is worse or that it is missed here. But I -- I guess I -- I don't have an answer other than that. It is not part of the study. I mean, you -- we are -- we're both looking at the results.

Q Okay. All right. Moving down on page 5. There's a number of -- well, the title of the page is

"Assumptions." So, of course, there's a number of assumptions on the page.

There's a number of assumptions regarding the limitations of the glare algorithm, including that it does not rigorously represent the detailed geometry of the system and that the glare spot size is constrained by the photovoltaic footprint size. Do these assumptions mean that there was an assumed geometry of the system made, a generic system was used, and that it doesn't reflect the geometry of the different modules and submodules and racks, et cetera?

A Yes. I believe the answer to your question is yes. So the location of the array is not general; right? Like, we define the location of the array. But there are general assumptions of -- within that location of standard module sizes, locations.

Q Okay. So also on page 5, there's an assumption that the ocular hazard predicted by the tool depends on a number of environmental, optical, and human factors, which can be uncertain. It goes on to state that the tool provides input factors and typical ranges, which the user can vary to see if the results are impacted.

Do you know whether these various input

factors were varied to do this study? Or was there one assumed configuration that was used? In other words, you didn't do separate runs with different assumptions and average them out or anything like that? I'm just trying to get a --

A You're -- you're correct. We used the default assumptions.

Q Okay. So the tool comes with a default setting, and that was what was used?

A Correct.

Q Okay. All right. So based on what you've said, is it fair to say that the ForgeSolar analysis tool provides an approximation of the glare probabilities but it doesn't assure a lack of glare because of all of these variables and such? In other words, it is not a guarantee? It's a probability? It's a approximation?

A I -- every study is an approximation, no matter what. Everything has an uncertainty. So I would -- it is -- it is a industry standard tool that is used throughout.

It is used by the FAA to conduct their glare analysis. It is broadly accepted scientifically. It has been vetted. So, sure, there's uncertainty; but I don't believe that there is atypical uncertainty with

any estimate or tool or something that is out of line with how you would typically model and try to predict the future.

Q Okay. Well, I'm going to ask a question along the lines of the question I asked about noise. Given that -- with all these assumptions, there is a possibility that there could be glare when the thing is all said and done and put in the ground. Would Greenskies be amenable to a condition along the lines of -- a decision condition along the lines of what I mentioned with respect to noise?

In other words, once it's constructed and it turns out that for some reason there is glare and that it's troublesome -- you know, I'm thinking about the fact that there's a school next door and, you know, children are distractible as it is. And because Greenskies is not proposing any screening, vegetative screening, to the north other than what's there, would Greenskies be amenable to a condition post-construction that if there is a glare -- that they would reevaluate it and perhaps do some screening if it were proven to be necessary?

A I think it would depend on the specific language of the condition. Given that with noise, with sound, there are defined ordinances, there's

defined measurability and it's -- it's relatively scientific in terms of the ability to have a objective, non-subjective data point. If there -- if the language was written in such a way, then I think that's something that we would be amenable to. But if it is subjective of somebody saw a glare and therefore they don't like it, that's really broad and would -- would not be something that we would want to do.

Q Well, understood. I -- yeah. I certainly wouldn't want a subjective question. You know, one student or one classroom complains, that blinks. But, I mean, given the study itself, it seems like there are scientific parameters. I mean, if there's no scientific parameters for glare, I don't know how you could do -- how you could use ForgeSolar because it would all be subjective; right?

So, I mean, there's yellow glare and at least green glare. So I assume that there's parameters that could be inserted. So I'll take your response, but I think that the science is precise enough, based on the fact that you can do a glare study, that there should be a condition that's, you know, draftable, that's acceptable as well.

A Okay.

Q Okay.

A Yeah. And I -- I agree with your point that the science around glare is there. I've -- I've never seen this condition written down. So I can't agree to something that I have not seen written down, where I know what is written down for the sound condition and it is something, well, I -- we are comfortable with.

Q Okay. No. That's fair enough. That's fair enough. I appreciate the answer. Thank you.

Okay. So moving away from the ForgeSolar analysis, directly after that, there's a series of photographs. Five, I believe. And I believe these were the photographs that were done separately from the ForgeSolar study at the request of either myself or Attorney Walsh to do some photo studies. And these -- I assume that these five photographs right after the ForgeSolar study were the result of that request. Am I correct about that?

A You are correct of that. And for any further questions on that, I'd pass it over to Gordon, I believe.

MR. LAMARCHE: Correct?

MR. CURTO: Okay. All right. So if you look at -- Gordon, if you look at --

MR. HOFFMAN: Mr. Curto, I think that Mr. LaMarche was asking for a more fulsome response

from Mr. Perkins.

MR. CURTO: Oh, sorry.

MR. PERKINS: That -- that is in my purview. This is Gordon Perkins. Thank you.

CROSS-EXAMINATION

BY MR. CURTO:

Q Okay. Great. So if you look at the first three photographs of the five following the glare analysis in Exhibit B, what was -- can you tell me what the vantage point for these photographs was?

A Yes, I can. So we -- we visited 77 Old Maids Lane. That would be the vantage point of -- I believe it's labeled as Viewpoint 2. And then Viewpoint 1 is from the elementary school.

In both locations we sought out the most open, unobstructed view from those facilities. In the case of the school, it was in the stairwell ascending to the second floor of the school. There's a very large bay window. The classrooms themselves had multiple obstructions: you know, things on the window sill, books, plants, and blinds and things of that nature. So we -- we photographed from the -- from the actual stairwell of the school toward the facility site.

And then from the private residence at 77

Old Maids Lane, we photographed from -- I believe it's the office window. Actually, no. This might be a bedroom window from the second floor of this private residence toward the facility site.

Q Okay. So moving back to the school because that's where I want to concentrate. So it was my understanding and the Town's understanding that the photos would be taken from the second floor. But you're saying that they were taken on a stairwell up to the second floor. So I assume, then, that they were at a somewhat lower location than the second floor?

A I think the -- I'm not 100 percent positive. My memory is failing me a little bit. But we -- we shot from a landing that I think -- it was either on the second floor or approaching the second floor. It was definitely an elevated position.

Q Okay.

A And you -- you can kind of see that because the -- the tops of the trees -- you know, there -- there are some relatively well-established trees in the foreground of the photograph; and we're -- we're shooting above those.

Q Okay.

A So I would say at a minimum -- well, I can

actually -- I can opine on the elevation. So we're at --

Q So we're at Viewpoint 1?

A That's correct, yes. And the camera's elevation is 189 feet. And, you know, the ground level at that location is about 169 feet. So we're -- we're approximately two stories above, if we use 10-foot floors as a -- as a basis.

Q So the first photograph is from the landing and the second photograph looks like a zoomed-in portion of the first photograph; correct?

A Oh, I apologize. Yes. The -- the first photograph is actually what we call a "panoramic composition." And the reason we do that is to give viewers more general context of the viewpoint.

So a -- a typical human being sees about 124 degrees of field of view in a single direction. Now, if we created a simulation that represented 124 degrees, it would not accurately portray the scale of the object that you're looking at because you would have severe foreshortening in the -- in the image.

So you're absolutely correct. The -- it's not technically a zoom. The panorama that we show in the first image is actually a bunch of individual images, approximately 16 to 24 images, stitched

together just to give the viewer more context.

Q Now, all right. So going to the second photo, which I'll call the "zoomed view" even though it's technically not a zoom, understanding what you're saying. Now, is that the present view or is that -- was there some manipulation of the image done to try to attempt to insert a representation of the panels in?

A I'm just going to double-check that.

Q Sure.

A Because I -- I think --

Q Actually, it's labeled. Apologies. The zoomed-in view is the existing view. And then if you scroll down to the next one, it's the proposed view following installation. So --

A Yeah. I -- I would -- I would like to verify that because the -- the existing view actually does look like it -- it is very, very similar to the proposed view.

Q Well, yeah. It looks identical. That's why -- that's why I asked the question.

A Yeah. And I'm -- I'm going to verify that right now.

THE VICE CHAIR: Okay. You do that --

MR. PERKINS: No. Actually, it's --

THE VICE CHAIR: Excuse me.

MR. PERKINS: It's not. That is the existing view. I apologize.

BY MR. CURTO:

Q So which one is the existing view? The one that's labeled "existing view" or --

A The one that is labeled "existing view." That's correct.

Q And the proposed view following installation, there is actually a photo simulation of the panels somewhere in there?

A That's correct, yes. And it -- it takes a little bit of -- yeah. So if you are -- if you are viewing this on a screen and you flip back and forth, you can see the change once the project is in place. All right.

Q All right. So just to make sure I understand --

MR. CURTO: And I know, Mr. Morissette, you probably want to take a break.

BY MR. CURTO:

Q But just real quick, is this -- I hate to call it a "rectangle," but it's the best I got. There's a rectangle roughly in the -- I guess, in the center of the proposed view following installation

that's a little bit lighter than the surrounding trees. Is that where the facility will be?

A Actually, the -- the facility -- it's -- it's very difficult to see amongst the trees. But the most visible portions go from the rough center of the view all the way out to the left-hand side of the view, and that --

Q Okay. All right. That's helpful.

THE VICE CHAIR: Okay. We're going to take a break. I'm sure everybody is anxious for a quick break. We're going to take a 15-minute break, and we will resume with the cross-examination by Attorney Curto at 3:55.

And we have some homework assignments to take care of during the break, and we'll address those when we come back. Okay? Thank you, everyone.

(Off the record.)

THE VICE CHAIR: We're back on the record.

Okay. Attorney Curto, please continue with your cross-examination.

MR. CURTO: Yes. Thank you, Mr. Morissette.

I only have one more topic to cover, and that's the topic of decommissioning expenses. The

Town requested on its own behalf that Greenskies respond to interrogatories of Attorney Walsh numbered 68A through C and 69A through C regarding decommissioning. And there was -- those interrogatories were objected to by Greenskies on the basis of relevance.

In the Department of Agriculture letter that's in the record dated July 18, 2025, talking about giving the Department of Agriculture's opinion as to the site, that site, according to the Department of Agriculture, contains 3 acres classified as prime farmland. And the project site, which would occupy approximately 23.3 acres, includes 1.8 acres of prime farmland and, within the footprint of the project, 1.7 acres. So the project would encompass land that's considered by the Department of Agriculture to be prime farmland soils.

And moving from that letter to the general statutes -- and I know the statutes is not part of the record, but I'm certain the Council will take administrative notice of general statutes -- Section 16-50k of the statutes requires that any photovoltaic facility of 2 megawatts or more that's --

THE VICE CHAIR: Excuse me, Attorney Curto. I'm not hearing a question here.

MR. CURTO: Well, I'm trying to -- yeah. I struggled a little bit with how to present this. I'm trying to set up the basis for the question. I'll cut right to the chase.

THE VICE CHAIR: Thank you.

MR. CURTO: This statute, in my view, at least, requires any photovoltaic facility, whether approved by certificate or -- as of July 2025 because the statute was amended -- for any such facility constructed on prime farmland to post a bond for decommissioning costs. And so because the statute seems to be on all fours with this project, I would like to ask the petitioner -- and, you know, their attorney may need to chime in -- you know, why the objection. Because it seems to me that the questions were relevant because it seems to me that the statutes require that a bond for decommissioning costs be posted for this facility. So that's the question: why the objection as to relevance?

THE VICE CHAIR: Unfortunately, it sounds like a legal question here that you're posed. And Attorney Hoffman cannot testify in front of the counsel here today. I will ask Attorney Bachman if she has any wisdom to help us out here.

MR. CURTO: Well, I know Attorney

Bachman to be very wise, so that's fine.

THE VICE CHAIR: Thank you.

Attorney Bachman?

MS. BACHMAN: Thank you, Vice Chair Morrisette.

The statute referenced by Attorney Curto is very specific, and it only applies to solar facilities for which a certificate is issued.

MR. CURTO: Well --

MS. BACHMAN: This facility is a petition for a declaratory ruling.

MR. CURTO: Well, the issue --

MS. BACHMAN: That section doesn't apply to petitions for declaratory ruling.

MR. CURTO: Well --

MS. BACHMAN: Thank you, Mr. Morissette.

THE VICE CHAIR: Thank you, Attorney Bachman.

Attorney Curto, please continue. I'm sorry. You're on mute. There you go.

MR. CURTO: The statute was amended just last year.

THE VICE CHAIR: I'm sorry, Attorney Curto, we're not going to argue the point. Attorney

Bachman has just laid out the basis of which it is evaluated. So there's no need to go further. If you want to argue --

MR. CURTO: Well, I think --

THE VICE CHAIR: If you want to argue the point, please brief it.

MR. CURTO: Okay.

THE VICE CHAIR: Thank you. Any further questions?

MR. CURTO: No. That's all I had.

THE VICE CHAIR: Okay. Very good. Thank you.

We are now going to go over the homework assignments and see if we can clean as many of those up. The first one is the recreational areas that are close to the facility that are not schools.

MR. HOFFMAN: Mr. Morissette, we have all of our homework done plus a bonus assignment for a little extra credit. But Mr. Perkins has the answer to that.

THE VICE CHAIR: Very good.

Mr. Perkins?

MR. PERKINS: Yes. So the nearest recreational land, I -- I believe, based on my research, is the Wangunk Wildlife Management Area,

which is actually adjacent to the facility site, so about 200, 300 feet from the actual PV array. But it directly abuts the facility site.

It appears that within the wildlife management area, there are either formal or managed trails by the public. I'm not entirely sure. But based on my research, the trails appear to be about a quarter mile from the PV arrays. And that's -- that's between a fairly dense forest buffer that, you know, abuts the -- the southern side of the solar array.

THE VICE CHAIR: Thank you, Mr. Perkins.

The next is the distance of the inverters to the school.

MR. HOFFMAN: Mr. Denardo has that information.

THE VICE CHAIR: Thank you.

MR. DENARDO: Yes. Eric Denardo. I reviewed the linear distance from the equipment pad for the preliminary design plans. It's approximately 1,200 linear feet to the school.

THE VICE CHAIR: Thank you. The distance to the fire -- closest firehouse?

MR. HOFFMAN: Ms. Cohen has that information. There are three firehouses within the

general vicinity, and we have distances for all three.

THE VICE CHAIR: Very good. Thank you.

MS. COHEN: This is Emilie from Greenskies. The Portland Company 1 is 5.6 miles from the site, Portland Company 2 is 7 miles, and the Glastonbury Fire Department is approximately 2.7 miles from the site.

THE VICE CHAIR: Thank you, Ms. Cohen.

The next is the setback of the roads and fences.

MR. HOFFMAN: We'll go back to Mr. Denardo for that.

THE VICE CHAIR: Thank you.

Mr. Denardo?

MR. DENARDO: Yes. So we reviewed both municipality zoning ordinances, both of which specify that the setbacks are specific to principal structures associated with the projects or the property development. In addition, Glastonbury specifically omits the fence line as part of setback requirement.

THE VICE CHAIR: In Portland?

MR. DENARDO: Just the principal structure associated with --

THE VICE CHAIR: Okay. Got you.

MR. DENARDO: Yes.

THE VICE CHAIR: Okay. Thank you. Very good.

Okay. And --

MR. HOFFMAN: Mr. Morissette, if I may?

THE VICE CHAIR: Yes, Attorney Hoffman, please.

MR. HOFFMAN: There was a question about the glare analysis at higher elevations. And during the break, Ms. Cohen was able to address that. And Mr. Perkins has additional information on red glare that wasn't really answered well. If -- with your indulgence, if they could just read in that information, I think it'd be illuminative.

THE VICE CHAIR: Please do. Please continue.

MS. COHEN: This is Emilie with Greenskies. Yeah. So we -- I reran the analysis with the same viewpoints. And both of them -- one of them was 6 feet, so, like, the average human height -- and then 20 feet, so if you're in a -- a building or something. And they came back with the same results as the other study, that there was no glare. So they all have equal results.

THE VICE CHAIR: Thank you.

MR. HOFFMAN: And then Mr. Perkins has

an explanation on why there's no red glare.

MR. PERKINS: Yes. So Gordon Perkins here. Red glare -- according to the -- the glare analyses that I've seen in the past -- and I have to caveat this with I am not a glare expert. But apparently, it is impossible to achieve red glare with a flat panel.

It would require some sort of convex array, which is pretty rare, typically found out West. But that's something that would focus the light very intensely at the receptor, and that is not possible to accomplish that with flat panels.

MR. CURTO: Mr. Morissette, could I --

THE VICE CHAIR: Thank you, Mr. Perkins.

Attorney Curto?

MR. CURTO: Yeah. Sorry. Could I ask a clarifying question about the 6 feet versus 20 feet?

THE VICE CHAIR: Certainly. Please go ahead.

CROSS-EXAMINATION

BY MR. CURTO:

Q Yeah. I was wondering -- I'm assuming that the 6 feet and the 20 feet refer to the vantage points in the two charts that I referred to previously. If

someone could tell me which one is which, in other words, which one is the 20 feet and which is the 6 feet.

A This is Emilie with Greenskies. So the -- the Chart 1 stayed the same. So the height above ground of the panels stayed 10 feet. And then when I reran the analysis, the height above ground section is what changed.

And I reran it twice. So one was 6 feet, and one was 20 feet.

Q And the results were the same as far as the glare?

A Correct.

MR. CURTO: Thank you.

THE VICE CHAIR: Very good. Thank you.

Okay. We will continue with cross-examination of the petitioner by Charles Walsh.

Mr. Walsh, good afternoon.

MR. WALSH: Good afternoon, Mr. Morissette. Thank you very much.

Good afternoon, Attorney Hoffman and Greenskies and consultants. Number of questions about the project. First and foremost, looking at Intervenor's Interrogatory Exhibit C, I took away the lease. Is there anything in the lease that provides

for regrading of the site?

Mr. Denardo said that the site was going to be regraded from currently 25 to 35 percent slopes down to around a 15 percent slope. Do you have the right to do that?

MR. LAMARCHE: We have the -- the question is, though, do we have the right to regrade for the purpose of the project?

CROSS-EXAMINATION

BY MR. WALSH:

Q Correct. In the lease?

A Yes.

Q And could you tell me what section of the lease allows you to do that?

A I cannot do that. I -- I am not a lawyer. I trust our -- our internal counsel and legal team, that they are correct in their review in the creation of the lease that it gives us that right.

Q Is there any -- are you aware of any express statement in the lease that allows you to regrade the property?

A I guess the answer is no. I am not aware of an express statement. But I'm just -- I -- I'm not aware enough of the language that is in the lease to say if it is or isn't there.

Q It's my understanding that the lessor previously used the site for extractive purposes -- gravel, sand extraction -- for sale; correct?

A Correct.

Q And wouldn't your extraction of material from the site that he could otherwise sell be detrimental to his interest in that site?

MR. HOFFMAN: Objection. Calls for speculation of what the landlord is thinking.

BY MR. WALSH:

Q Would you --

THE VICE CHAIR: Yes. It does. Sustained.

MR. WALSH: I'll rephrase.

THE VICE CHAIR: Please continue.

MR. WALSH: I'll move on. Thank you.

BY MR. WALSH:

Q Can I get a clarification on the size of the panels. In Appendix B, there's an indication that the panels are, I believe, 200 -- 2,278 millimeters by 1,134 millimeters. And if my math's right, it comes out to about 7.47 feet by about 3.72 feet.

Yet in Appendix M, you indicate that the panels are 7.82 feet long by 4.28 feet wide. So I'm trying to understand which is correct: the size of

the panels in Appendix M or the size of the panels in Appendix B?

A We have not 100 percent finalized modules yet. And that difference in -- difference in dimensions by approximately 4 inches is within the uncertainty of the same class of modules across manufacturers.

Q Let me ask you about noise right now. In Appendix L, the sound model report, there's an acknowledgement that Portland had noise limits. Yet those noise limits weren't used. And let me add further: The noise limits do not exempt construction noise between 10 p.m. and 7 a.m.

And you indicated that you were going to construct the project beginning at 6:30 in the morning. And you also represented to the Council that construction noise was exempt. That wasn't a true statement; was it?

MR. HOFFMAN: Objection. Number one, we've amended our testimony. And, number two, it's calling for a legal conclusion about Portland's noise recs.

MR. WALSH: I would --

THE VICE CHAIR: Thank you, Attorney Hoffman.

Mr. Walsh, the petitioner has gone on the record saying that they would adjust their construction hours. And the noise ordinance of Glastonbury, unfortunately, does require a legal analysis that the panel is not prepared to do. So please continue.

MR. WALSH: Well, I would refer you to Intervenor's Exhibit 3 that has the Portland noise ordinances. And looking at the noise ordinances, does it not say that the nighttime hours are from 10 p.m. to 7 a.m.?

MR. HOFFMAN: Objection. We didn't object to those ordinances coming in as administrative notice. They say what they say. The witness is incompetent to testify as to what ordinances say. Attorneys are, and I believe that Mr. Walsh is an attorney.

THE VICE CHAIR: Sustained.

Please continue.

BY MR. WALSH:

Q In the sound modeling report, there's a table that has a list of noise limits for certain receptors. And for residential zones surrounding the project, they're considered to be Class A. And you list the Class A receptors at 61 decibels for a

daytime limit and 51 for nighttime limit. If the Portland limits are lower, would those not be more appropriate to use?

MR. LAMARCHE: Isaac, are you able to answer those questions?

MR. OLD: Sure.

So one thing that's included in that is the Connecticut limits and also the Portland limit. Portland limits are based upon land use from the emitter to the -- to the receiver. And the interpretation of the noise study was based upon what the land use would be for this project.

CROSS-EXAMINATION

BY MR. WALSH:

Q But, again, it's based upon the receptor; correct?

A It's based on both the emitter and the receptor.

Q Correct. And if the Portland limits are lower than the state limits, which you have on your table -- I believe it's table -- beginning on page 0003 of Intervenor's Exhibit 3, continue on to page 0004. Wouldn't those limits be the appropriate limits to use rather than the ones that you have in your sound modeling report?

A My understanding of how the limits -- of the limits based upon land use is that there would be a difference in how the project would be defined in Connecticut versus -- for the Connecticut limits versus Portland. And my understanding of that means that the limits would actually be similar.

Q Are not the Portland limits 6 decibel lower than the Connecticut limits?

A That's assuming that the project would be considered, basically, to have a residential use.

Q But it's located in a residential zone; correct?

A It is located in a residential zone. There is a phrase in the Portland ordinance that says, basically, to summarize it, that if -- if the use of the land is different from what is actually zoned, then the use is what -- excuse me. It says "Any use which is nonconforming shall be deemed to be in the zone which corresponds to the actual use." There we go.

Q Okay. And what are you reading from, sir?

A That is from the Portland, Connecticut, sound ordinances. By the way, I didn't think I introduced myself at the beginning of this. So this is Isaac Old.

Q Thank you, sir. Would you agree that noise levels rise about 3 decibels each time you double the number of source emitters at the same decibel level?

A Generally speaking, if you double the number of the same kind of source that emits the same level, then the overall level at the receiver would go up by about 3 dB.

Q So my statement's correct; is that right?

A Generally speaking, yes.

Q Okay. Thank you. So in the sound modeling report, does the model take into account multiple inverters? Multiple panels? Excuse me. Multiple tracking motors?

A The modeling in the report assumes that all tracking motors are operating, as are all the inverters, as are both transformers at the same time.

Q So it is giving you a cumulative readout of what the noise levels would be. Is that what you're saying?

A It's giving you a cumulative readout of sound levels.

Q Okay. Thank you. Do you know what the decibel levels is associated with pile driving?

A Can you define that a bit better.

Q Sure. My understanding is there's going to

be about 1,676 piles driven for this project. What is the decibel level associated with the strike of each pile as it's driven into the ground?

A To what distance here?

Q At the source.

A I do not know what it is at the source. For the reporting of sound levels from pile drivers, generally it's given at 50 feet or at the operator's ear or it is given as what's called a "sound power level."

Q All right. I'd like to refer you to -- let me get my -- the Federal Highway Administration document that was admitted. Just bear with me a moment, please, as I bring that up.

So on the list of intervenor exhibits, the Exhibit 4 is the Federal Highway Administration Highway Construction Handbook. And on Intervenor Exhibit page 0004, there is a Table 9.1 with default noise emission references. And for a impact pile driver, there's an indication that -- an actual measured sound level of 101 decibels at 50 feet. Does that sound right to you, sir?

A So that's what the document says?

Q Correct. Does that sound like a reasonable statement?

A So one thing to keep in mind is that the pile driver information listed there is the kind of pile driver that would be used for something like building a bridge. The type of pile driver that's used to install piles for solar projects is a completely different piece of equipment.

Q Okay. And what are the noise outputs on that at 50 feet?

A So roughly speaking, for ones that we've actually measured, the sound levels are about 10 dB lower, plus or minus a couple decibels.

Q All right. So it'd be about 91; correct?

A More or less, yes.

Q Okay. Thank you. So each pile is going to have to be struck multiple times; correct?

A That's my understanding of how they work, yes.

Q Okay. So if we have 1,676 piles being driven multiple times, are you familiar with -- let me change that. Is there any way that you're familiar with to dampen the noise from that pile driver?

A I'm not aware of things that are specific to the piece of equipment. I know that for some sites people will put up fencing around them, essentially, or noise fencing around them. I haven't actually seen

that done in -- in practice. Only heard about it theoretically, though.

Q Okay. Do you know what the model of this impact driver is that you're referring to, sir?

A So the ones that we've actually measured are produced by a company called Vermeer.

Q Thank you. V-E-R-M-M-E -- M-E-E-R?

A Correct.

Q Okay. Thank you. And you're unaware of whether or not they have -- they or another company provides any sort of dampening products to help reduce the sound for that? Is that your testimony?

A They don't provide something that is intrinsic to that piece of equipment. I'll just put it that way.

Q Is there a third party that manufactures something that could be used with that equipment?

A So as I mentioned previously, some people have proposed using things like sound fencing. And that would be a third-party vendor.

Q Okay. And the sound fencing would go around each pile, or would it be sitewide?

A It could be done either way.

Q Would Greenskies be willing to condition the pile driving by dampening the noise that is going to

be generated by the pile driving?

A I think that's a better question for others.

MR. LAMARCHE: Yeah.

MR. WALSH: Whoever wants to answer it.

MR. LAMARCHE: So this is Jean-Paul with Greenskies.

CROSS-EXAMINATION

BY MR. WALSH:

Q Yes, sir.

A I -- assuming that the pile driving is done during summer and the school is not in and with the statement that we will work in the seven to, like, three hours -- right? -- the daytime hours, we would not be -- we would not dampen that sound. I think it is typical construction noise. And I -- I don't see a necessary harm from that. If we are forced to do pile driving while students are in school, I'm open to looking into that.

I myself, I'm not familiar. I've never worked on a solar project in the past 20-something years I have been doing this where dampening for pile driving was done. So I don't have the technology or the understanding of how it would be done at my fingertips. But I am -- I'm open to looking into that to minimize impact for our students.

Q And what about for the neighborhood? Your application indicates that the project will not diminish the quality of life for those that live in the vicinity. Doesn't multiple strikes on 1,676 piles diminish the quality of life for those in the neighborhood?

A No. I don't think it does. I -- I think construction is part of -- part of what we all experience. I -- we're allowed to build things. I don't think it diminishes the quality of life.

Q Okay. Thank you. Because construction noise is exempt from the noise limits, you never modeled any of the noise from construction; is that correct?

MR. OLD: That's correct.

MR. WALSH: Has -- have you studied the effects of pile driving on nearby existing foundation wells or septic tanks?

MR. OLD: I have not done a study on that, no.

MR. WALSH: Thank you.

CROSS-EXAMINATION

BY MR. WALSH:

Q I'd like to talk about the visual assessment. The petition says that the assessment

found potential photovoltaic panel visibility would be limited to project-site-specific location on Old Maids Lane and close to the entrance of Nayaug Elementary School and an agricultural field to the north of Old Maids Lane. Now, looking -- and that's shown in Figure 1 of the visual impact study on PDF page 4. And I'm assuming that the areas in purple are the ones that show visibility; is that correct?

A That is correct. This is Gordon Perkins. And that is correct. The areas of purple predict potential visibility of the PV panels.

Q Okay. Does your -- do your visual impact assessment address the visibility of any other components of the site, such as the fencing, the inverters, the transformers, or panel racks?

A So the panel racks themselves are built into the analysis that was completed for the PV panels. So by sampling a conservative maximum height, which we actually set at 12 feet, we're capturing the potential visibility of the fence material inverters and the PV panels themselves. They -- they would be at the height that we considered in the visibility analysis: 12 feet. Those would be the tallest major visible components of the facility.

Q Aren't the inverters and transformer pads at

a higher elevation than the panels?

A I have not seen specification seats -- sheets -- I apologize -- for the transformers or inverters. But typically, on, you know, the numerous solar projects that I've worked on in the past, 12 feet would exceed the height of those inverter -- the pad-mounted inverters and transformers.

MR. LAMARCHE: And -- and this --

Sorry to cut you off.

This is Jean-Paul with Greenskies. The inverters that we are using are relatively small. There are multiple inverters. They will be in similar areas. But they're relatively small.

They'll be mounted on a post similar to the type of post that the modules are mounted on. And, no, they would not be higher than 12 feet; and the transformers would not either. So that would definitely be the maximum.

MR. PERKINS: Thank you for filling in that blank. Appreciate it.

BY MR. WALSH:

Q Well, won't the transformers and inverters be located at a higher elevation than the panels since they'll be further south up on the side of the hill?

A They're very close to the PV panel array.

So the PV panel array more than covers the potential visibility that could result from those inverter units.

Q All right. Thank you. In your model you used the height of 6 feet -- of a 6-foot viewer for your visibility study; correct?

A That's correct. We used the conservative eye-level height of 6 feet, which would be standing above -- it would be standing above grade within the facility study area.

Q All right. Thank you. So looking at your methodology, if I understand it correctly -- and you can correct me if I'm wrong, please -- you say that you set the panel visibility to zero in locations where existing surface features exceed the bare earth elevation value by 6 feet or more. Is that what you did?

A That's correct. That's what we did. And that is a -- an industry standard practice for the purpose that -- so it doesn't necessarily cut off visibility that could occur beyond that 6-foot object. So for example, that 6-foot object would essentially cast a visibility shadow, but visibility could occur beyond that object.

But the object itself is considered a

screening feature. And therefore, visibility is set to zero. And the main reason for that is, you know, to eliminate treetop visibility because we would have strikingly inaccurate results if our viewshed analysis showed visibility in the canopy of the trees.

Q So basically -- let me understand. So if there was an obstruction that was 6 feet or higher between the viewer and the panels, that visibility was set to zero; is that correct?

A That is correct.

Q Okay. So if a person is standing on A first-floor window of their house and they're more than 6 feet above the ground, they might see the panels; correct?

A Well, that -- that's subject to investigation in -- in a visual impact assessment. The intent of the analysis is not to identify second, third, fourth-floor buildings or visibility from elevated locations. The intent of the analysis to -- is to understand where at ground-level locations, you know, access for the greater public could potentially have views toward the PV arrays.

Q Okay. So you're right next to a school that has first and second floor, And yet you're saying that you didn't think it was important to look at

elevations from the school?

MR. HOFFMAN: Objection. Characterizing the witness's testimony.

BY MR. WALSH:

Q All right. So you're saying that the whole purpose of this was to determine what a person on -- at street level would be able to see; correct?

A Well, people standing on the ground. So it does take into account the topography of the region, yes.

Q So it doesn't take into account anybody in their home, first or second floor, anybody in the elementary school that's at an elevation above 6 feet; is that correct?

A That's correct. And it's very important to point out that viewshed analysis is -- it's a very -- it's a first preliminary step. It's a desktop analysis.

And, again, if we were to exclude that clearing pass that we do on the viewshed analysis, the results wouldn't be helpful to us. And the main reason for that is, especially in this area, because there's so much forest canopy, all of that forest canopy would be shown as visible, which is an inaccurate result.

As such -- and keeping in mind, again, that viewshed analysis is always the first step in these types of analyses, we also do field review. And we also, you know, respond to community inquiries. And oftentimes that leads to us doing simulations from elevated positions.

Typically, we don't seek out private residences. We don't go to, you know, private places, places that we shouldn't be in order to do that first-pass photography. But certainly, if there are community concerns and the applicant is willing to go the extra mile and photograph from those locations, that is something we often do. And that's meant to supplement the viewshed analysis to have a complete picture.

Q And that's what you did subsequently in the photos attached to the glare study; correct?

A That's correct.

Q Okay. Well, let me go there while we're discussing that. So looking at the photos that Attorney Curto showed you earlier, if you take a look at -- well, those pictures were taken in January of this year; correct?

A That's correct. January 21st.

Q Okay. And if you look at the photo on --

I'm going refer to PDF page 7 of Exhibit B.

A Just to confirm, that would be the existing view from Viewpoint 1 at the elementary school?

Q Correct. So looking at that, about halfway up the photo, probably the middle of the treeline, the snow that you're looking at through the trees is in fact the field where the solar panel array is going to be; correct?

A A portion of it, yes.

Q Okay. And that's clearly visible from the school?

A That's correct.

Q Okay. And let's move down. And by the way, I note that looking at PDF page 9, the view from 77 Old Maids Lane is also designated Viewpoint 1. So for some reason both viewpoints are designated Viewpoint 1?

A Oh, I apologize about that. Yeah.

Q That's okay. I just wanted to --

A We'll have to use the location as the reference.

Q That's fine. I just wanted to point that out. So looking at the existing view from 77 Old Maids Lane on -- in PDF page 10, there's three houses in that photograph; correct?

A Page 10. Yes. That's correct.
Q And if you look at the -- above the house in the center, to the left of the chimney, you see the white snow in that photo. Is that the field where the solar panels are going to be located?
A That is the field, but that is not where the solar panels are proposed to be located. And this goes back to -- in the beginning of of the hearing, we had a discussion about moving the facility south. So that actually is the south portion of the field, and it's at an elevation of 259 feet.
The first PV panel, based on the DEM, is actually greater than 20 feet lower than that. So that portion of the field is not an indication of potential project visibility.
Q Bear with me a moment. I'm trying to get to Appendix A, the permit plan drawing set. So looking at the plan drawing set, and I'm looking now at -- let me find the document. In, I believe it is, PDF page 8, it says "Portland Design Plan 7 Grading 50." And it is -- I apologize for the delay.
A Okay. I'm -- I'm catching up as you go.
Q Okay. It's Sheet C107.
A Okay, I'm with you.
Q Okay. Can you point out -- well, when you

say, "I'm looking at the field in that other photo," you're saying it's the field above the fence line?

A That's correct, yes.

Q Okay. Thank you.

A And just -- just to correct -- sorry, Mr. Walsh, Attorney Walsh -- it's the -- it's the field south of the fence line.

Q Thank you. Appreciate that.

MR. WALSH: Let me ask some questions about the decommissioning plan, which is Appendix D. First of all, I note that this is on a document -- on letterhead, if you will. It says Greenskies is a Clean Focus company. Who is going to be addressing these?

MR. LAMARCHE: This is Jean-Paul. I will do my best to answer these, and --

CROSS-EXAMINATION

BY MR. WALSH:

Q Okay. Thank you.

A -- I will call others in as needed.

Q Okay. Thank you, sir. I appreciate that. So it says Greenskies is a Clean Focus company. Bottom right-hand side, it says "150 Mathilda Place, Suite 206, Sunnyvale, California." Do you see that?

A I do.

Q Okay. So my question is who created this decommissioning plan? Was it somebody in Connecticut or somebody in California?

A This specific decommissioning plan was likely a joint effort by people in different locations.

Q Okay. And earlier Mr. Curto was asking questions about responses to my interrogatories. And if I can just pull that up quickly, the one question I have for you is with regard to Interrogatory 71. I asked you what's the present-day transportation cost for offsite recycling, and the response was that present-day costs are not factored into expected decommissioning costs for this project because the work is not being done for 30 years and it's not a good estimate of the future. So having said that, is there anything in the decommissioning plan that we can rely on as far as it being actual numbers that the commission -- the Council can rely on?

A I think it is -- you can rely on it as a best estimate of predicting future costs in 30 years. Can anybody rely on what the exact cost will be in 30 years? No. Of course not. No -- nobody can predict something in 30 years.

Q I think that's a fair statement. So going

down below, though, you indicate that at current hauling rates -- that it would -- total transportation costs for the offsite recycling would fall between 19 and 38 thousand dollars. Is that correct?

A Where are you referencing?

Q I'm referencing Interrogatory Response -- I believe it's --

A No. You're -- sorry. Go ahead.

Q Let me go back to that document. Or 71. I'm sorry. The very last part of 71.

A Okay.

Q Do you see that? It says that current regional hauling rates are roughly 1,000 to 2,000 dollars per container. Total transportation costs are estimated to fall between 19,000, 38,000. Is that correct?

A I see what you're reading, yes.

Q Okay.

A This was our -- our best effort to answer the question; right? Like --

Q All right. I appreciate that. Thank you.

A We're giving you the -- the data that we can give you.

Q Okay. And that's not the number that was in the Decommissioning Plan number 12; correct? That

says that there'd be 60 truckloads that would cost approximately $8,640. It's on PDF page 3 of Appendix D.

A For racks. Those are different numbers.

Q Correct. Are they for a different purpose? One is for trucking materials out; and the other one is for the shipping -- shipping the recyclable material out in shipping containers?

A So the answer to your Interrogatory number 71 was determined as a -- looking at transportation costs for X amount of volume as just simply transportation cost; right? We were not building a decommissioning plan. We were not researching what costs may be in 30 years from now. We were just looking at what is our best estimate of transportation costs right now with the resources that we have, and this is the number that we came up with to answer your question.

The data that was put into the decommissioning plan was calculated and determined based off of, call it, industry research and, like, third-party decommissioning estimates and potential costs for this specific aspect of decommissioning. So they were calculated in different ways and came up with different numbers.

Q So are you saying that the answer to Intervenor's Interrogatory number 71 is intended to replace the number in -- for trucking costs under Section 12? Or is it to supplement it as an additional cost?

A I'm not saying either. I'm saying that we answered your specific question to number 71.

Q Okay. So my question to you then is, is the 19,000 or 38,000 dollars an estimated cost that should be added to your total cost for decommissioning?

MR. HOFFMAN: Excuse me. Before you answer that --

Where are you getting the 19,000 figure from, Mr. Walsh? I can't find that in the decommissioning plan.

MR. WALSH: Okay. Attorney Hoffman, if you take a look at the -- at your responses to my interrogatories, number 71, the very last one --

MR. HOFFMAN: Okay. That's the range.

MR. WALSH: Correct.

MR. HOFFMAN: Okay.

BY MR. WALSH:

Q It says total transportation costs are estimated to fall between 19,000 and 38,000. So I'd like to know whether or not that is an additional cost

or are we substituting that cost for number 12.

A You know, I mean, if it was one or the other, I guess it would be a substitution. But as I said, these things were calculated in different ways; right? It's really hard for me to -- to answer it as does this apply to this. We're kind of comparing apples and oranges. But if it was anything, it would be a substitution, I guess

Q This is referring to containers? Transportation of containers?

A Yeah. It was -- that would be a way to ship -- transport goods; right? Put them in a container and ship the containers.

Q Understood. So I guess the question I have, though, is what you're saying, then, is the trucking costs in number 12 are the same or part of this answer and not something different? Is that what you're saying?

A Yes. They would be -- they would be a similar task. Yeah. I -- I mean, I guess they -- yes. They would be overlapping costs.

Q Okay. Thank you. So moving along, starting at number 1, removing panels, it says that the panels are going to be removed at a rate of one panel per minute; is that right? And I'm on PDF page 2 of

Appendix D, Item number 1.

A Yeah. I mean, yeah. Yes. I see what you're talking about. Sorry. Was there a question?

Q Yeah. My question is it says here that they're going to remove the panels at a rate of one panel per minute. Do you still stand by that answer?

A Do I still stand by that answer? I stand by this as a general calculation of time of, you know, the labor associated with specifically this task. It is, as I said -- you know, this was based off of a -- a existing industry -- industry-accepted method of calculating decommissioning costs; right? We did not come up with all of this methodology on our own.

Is it 100 percent perfect to represent the exact cost that will -- in time that will be used for removing these specific modules in 30 years? No. But it is a -- a guide, a -- a tool and estimate to try to put some -- some numbers and objectivity to it.

Q You referred to an industry model for decommissioning costs. Could you identify what that model is, please.

A You know, it honestly has been too long for me to say it off the top of my head. I believe it came from a research group out of New York. It might have been a university. But I'm -- I'm speaking off

the top of my head.

Q Okay. Thank you. Is there any possibility of getting a copy of that?

A I would say there is a possibility of it, yeah.

Q All right. Thank you.

THE VICE CHAIR: We are not accepting late files at this moment in time, so they will not be part of the record.

BY MR. WALSH:

Q So do you expect the panels in 30 years to be -- or the brackets to be rusted and the racks to be somewhat rusted? Corroded?

A No. Not really. I mean, we're using -- there's aluminum hardware. There's stainless hardware. Will there be some situations where there may be galling of material? Possibly.

We do maintenance along the way. Things are torque-checked. Things are checked on. I wouldn't expect it to be fully rusted out and falling apart, if that's what you're envisioning.

Q No. I'm just asking about whether or not you're going to have, you know, clamps that are frozen. It's going to take a lot longer than one minute to loosen them up and carry a 70-pound panel

off the rack and place it wherever it's going to go.

A I mean, I'm sure some will take longer than a minute. Sure.

Q Okay.

A But, again, we're trying -- trying to create a generalization and a standardization of something that's -- that's not that; right? When people do construction estimates, they make an assumption of it's going to take X amount of time. And some take more; some take less. It's a guide; right? Like, it's -- it's not a perfect science.

Q Okay. And let me move down to -- can you tell me what Item 8 on PDF page 3 is? "Remove H beams and power poles"? Where's that --

A Are you on the decommissioning document?

Q Yes. I'm still on Appendix D. I apologize. I should have specified that.

A The H beams would be the driven -- the driven piers that support the racking. Power poles would be the poles for any -- any overhead conductors.

Q Okay. Thank you. Looking at the numbers in there, it says that you have 1,192 racks. From your response to my interrogatories, that's -- I thought you indicated that it's going to be 1,676 piles; is that correct?

A I would assume that the number of piles in the interrogatory response is correct.

Q Okay. So if we were going to update this number, we'd have to use the number for the number of -- and actually, it says "racks." It should say "piles"; correct?

A No. Racks would be a larger unit that includes multiple piles.

Q Okay. So can you explain that, please.

A Explain what?

Q What a rack of piles is?

A So -- so a rack would be -- so -- okay. So the solar panels are physically mounted to the metal tracking system. And that metal tracking system is in discrete blocks that are physically connected to each other. And then there's a gap, and then they're physically connected to each other.

Each of those is what is looked at as, like, a rack; right? Like, it is a group of modules that are within a single, physically connected block -- block of -- of metal; right? And the basis for that rack -- right? -- like, the foundation for the racks, are held up by the piles that are driven into the ground.

Q So you're saying that multiple piles may be

holding up a single rack and, when you're talking about 1,192 racks, that that may be more piles than 1,192?

A Yeah. The -- the term "racks" is a way to break down the entire array area; right?

Q No. I get that. But the bottom line is you still have to pull 1,676 piles out of the ground.

A Yes.

Q Okay.

A We have to -- we have to remove the piles.

Q Okay. And why do you say racks -- 100 racks per day? So how many piles a day does that come out to?

A I don't know. I don't do the math right here. I -- I don't know.

Q Well, let me follow up. So with respect to the cost, it says labor rate, $35; excavator rate, $25. You see that?

A Yes.

Q Okay. If I go back up and I look at the rates for an excavator or a front-end loader in Item number 5, "Break up concrete pads," you have a rate of $135 an hour; do you not?

A Correct.

Q So should the excavator rate here be $135

rather than 25?

A I -- I guess so. You'd have to look at the exact equipment, determine if different equipment is used for the different tools. There's different types of excavators, different types of front-end loaders. Honestly, I don't have specific knowledge of the -- you know, the -- the form, the -- the research that we use to base this estimate off of in front of me to say, okay, they assumed this equipment for this, this equipment for this. But I understand the difference that you're pointing out.

Q Do you believe that should be $135 an hour rather than $25 an hour?

A I don't believe that.

Q So --

A I don't -- no. I -- I don't have the expertise right here sitting in front of me to say which one is right, which one is wrong.

Q Okay. Well --

A Or if one is different from the other. I -- I can't make a -- I can't make that assessment.

Q Okay. Well, who drafted this decommissioning plan?

A It was a joint effort between multiple people. We've created a standard. We tried to update

it based off of project specifics.

Q Could we get a clarification on that before the end of the hearing today from whoever drafted this?

THE VICE CHAIR: Well, Mr. Walsh, we're going to be ending here shortly, so we're not going to have time for the witness to do any kind -- type of research this afternoon. My suggestion is that -- obviously, you have concerns about the decommissioning plan and the pricing associated with it. My suggestion is that as part of your brief, you outline what those differences are so that when we are considering this project and whether the decommissioning plan needs to be revised as part of -- if it gets approved, then we will consider it and put it -- make it part of our decision.

MR. WALSH: Very well.

THE VICE CHAIR: But I think we've spent enough time on the decommissioning plan, unless you have any other specific questions you would like to get out of the way. But going through the -- each of the assumptions, I don't find it very helpful at this time.

MR. WALSH: Okay.

THE VICE CHAIR: Thank you.

MR. LAMARCHE: And -- and I -- I would like to point out, Mr. Walsh, too that there was a 2022 study by NYSERDA out of -- that -- on decommissioning that estimated that the costs were roughly $30,000 per megawatt, which puts this total estimate essentially in line with that as well.

BY MR. WALSH:

Q And what was the date of that report, please?

A April 2022.

Q Okay. And that's not in the record; is it?

A I don't believe so, no.

Q Okay.

MR. WALSH: Well, then I would object to any reference to it.

MR. LAMARCHE: Okay.

BY MR. WALSH:

Q Let me move on, then.

MR. HOFFMAN: One moment. You asked him what it was based on, and he's telling you in part what it was based on. I'm not sure that the objection's warranted.

MR. WALSH: No. He made a comparison. He didn't -- let me follow up.

//

BY MR. WALSH:

Q Mr. LaMarche, are you saying that your estimate was based on that NYSERDA study or is -- are you referring to the NYSERDA study as an example of the reasonableness of the cost in your decommissioning claim?

A I don't -- I don't know if that specific study is the same one that this decommissioning came out of.

Q Okay. Thank you.

MR. WALSH: So then I would, you know, maintain my objection.

BY MR. WALSH:

Q So let me move on. In Intevenor Exhibit 7, Secretary of State records for CF Portland Old Maids LLC -- that is a company that you indicate in your interrogatory responses you are going to transfer this project to if you get approval from the commission; is that correct? Or the Council. Is that correct?

A This was the -- sorry. Say the specific LLC again.

Q Yes. There's so many. CF Portland Old Maids. Is that correct?

A Correct. That would be the project company that the intent would be to hold -- hold the operating

assets.

Q Okay. And CF Portland Old Maids was formed on June 13, 2025; correct?

A Sounds about right.

Q Okay. And the petition was filed October 27, 2025; correct?

A Also sounds right.

Q Okay. So if Portland Old Maids was in existence at the time you filed with the Council, why wasn't CF Portland Old Maids the applicant, rather than Greenskies?

A Typically, as we are developing the projects, we do our development work as Greenskies. And Greenskies is the entity managing the development work. And it is not till later in the process that all of the entities get filed under the project company. It's just how we do it. We do our interconnection studies as Greenskies and transfer those later as well.

Q All right. Let me move on to the Exhibit 2, the -- my interrogatories, where I -- it would be -- I believe it's Exhibit A to Interrogatory number 18, where I ask you to share any information about testing for any hazardous substances on the site. Do you have a copy of that document, sir?

A Didn't we provide that?
Q No. No. I'm asking if you could take a look at it.
A Oh, I do.
Q And I'm not sure if you're the correct person or if somebody else, but I want to talk about --
A No. No. I'm happy to respond here. Let me pull up the document.
Q Thank you.
A This is Exhibit A to which?
Q It should be to the Intervenor's Interrogatory number 18.
MR. HOFFMAN: Intervenor's Interrogatory number 18 -- are you talking about our responses to intervenor's interrogatories?
MR. WALSH: Yes. Correct. Your response to my 18. I believe that's the correct number. Let me double-check.
MR. HOFFMAN: That says "Identify the number of piles."
MR. WALSH: I apologize, then. I have the wrong interrogatory.
BY MR. WALSH:
Q I asked whether there was any testing done

for hazardous material or pesticides on the site, and you provided me with a copy of the document. Now let me see if I could find the interrogatory number specifically. Well, I can refer to it in my brief. But anyway, let me --

A And this would be the --

MR. HOFFMAN: I believe it's 59, Mr. Walsh.

MR. WALSH: Thank you, Attorney Hoffman. I appreciate your --

MR. LAMARCHE: You're referencing the -- the chart with the results of the soil sampling; right?

BY MR. WALSH:

Q Correct.

A Yeah. I'm looking at it.

Q Okay. Question -- looking at that document, there were -- looks like there were three test soils that were tested for soil -- the soils were tested; is that correct?

A Yes.

Q Okay. And looking at this document, it says that the -- it's an analytical results summary. And there are several columns. And the first column basically lists the various substances that were

tested for; correct?
A Correct.
Q Okay. And the second column is the CAS number; is that right?
A I'm looking at that, yes.
Q Okay. The chemical abstract service number for each analyte. And then units are either milligrams per kilogram, which is parts per million, or micrograms per kilogram. That's parts per billion; is that correct?
A Okay.
Q Is that accurate?
A Yeah. It looks like there's a handful of different units. It looks like mg per kilogram or ug for the -- yeah, the small ug per milligram per kilogram.
Q Okay. And do those represent parts per million and parts per billion? -- is what I'm asking.
A Oh, I believe so.
Q Okay. And --
MR. DENARDO: This is Eric Denardo. That is correct.
CROSS-EXAMINATION
BY MR. WALSH:
Q Okay. Mr. Denardo, if you'd like to chime

in, I'd appreciate it. Who took these samples, and who analyzed the soil samples?

A Our personnel collected the samples. And the analytical reports are provided. I don't have it offhand, but the laboratory is included in the analytical reports.

Q So this was Green -- Greenskies staff took these samples?

A No.

MR. LAMARCHE: No.

MR. DENARDO: Verdantas, which is my company, engineering and environmental firm, collected the samples.

BY MR. WALSH:

Q Okay. Thank you. That's what I wanted to get clarification on. And there were only three soil samples that were taken and tested; is that correct?

A Correct.

Q Okay. And is there a document that shows the location of the samples?

A It should be included in the ASTM Phase 1. That would be the location of the samples.

Q I'm sorry. Could you say that again, please.

A ASTM Phase 1.

Q And was that submitted into evidence?
A I believe so, yes.
MR. DENARDO: Lee, could I refer to you for confirmation?
MR. LAMARCHE: I don't -- I don't think we provided the Phase 1 ESA.
MR. DENARDO: Okay. Understood.
BY MR. WALSH:
Q Okay. So this was part of a larger report; is that correct?
A Correct.
Q Okay. And looking at the analytes here, anything that shows up in, I guess, the lavender color would be something that tested positive; is that correct?
A Correct.
Q Okay. And I note that there -- for each of the samples, there's two columns. And one column has the results of the test, and the second column says "RL." And in the legend below, it says "Reporting Limit." Is the reporting limit a reference to the deep direct exposure criteria?
A No. The reporting limit is associated with the laboratory reporting limit. That is the lowest concentration that they can obtain. If anything is

above that, they can't -- they'll record it; and that's what you're seeing as a result.

Q All right. So -- and why are there different numbers under each reporting limit? For example, take a look at the first analyte, arsenic. It's got in the reporting limit 0.80 in the first column, 0.84 in the second, and 0.79 in the third.

A That's their methodology and their actual equipment in the lab.

Q So are you saying they used different equipment for each of the samples?

A I can't confirm or deny. I'm not -- I don't work for the lab.

Q Are any of these results in excess of the direct exposure criteria established by the State of Connecticut Department of Energy & Environmental Protection?

A I would have to say no. But, again, I am the engineer of record. Our LEP for the site is not on this call.

But, again, that would be something that would've been brought up as part of the initial investigation. And my understanding is that it was not; otherwise, this would be classified as something that would require remediation, which is this not --

this is not a site that requires remediation.

Q Okay.

MR. LAMARCHE: And that -- that is how it was communicated to me as well by the -- by the LEP when we received it.

MR. WALSH: Okay. Thank you.

BY MR. WALSH:

Q Intervenor Exhibit 6 shows -- it's an excerpt from the Glastonbury website depicting locations of homes in the area with wells in the vicinity of the project. The question is what steps is the applicant going to take to prevent any of these materials from migrating into the nearby wells during the process of removing material from the site?

A Yes. So, you know, just for your own reference, again, I took a look at your exhibit. Now, the exhibit that you refer to, the closest potable well was 700 feet roughly from the property corner. So, you know, not only are we going to propose stormwater management, both during construction and post-construction, that deals with stormwater runoff as well as sediment management inside by temporary sediment traps -- there's three strategically located in the flow path. So that'll be managed based on soil and sediment control guidelines, which is

approximately 130 cubic feet per watershed area associated with the drainage. So during construction that will be managed as part of any potential runoff.

Post-construction, we're also implementing water quality volume standards, which is a sediment forebay. The sediment forebay allows for any sediment migration to be managed on site for a 1.3-inch rain event, which is also the standard for Connecticut DEEP under the stormwater quality manual dated March 2024.

In addition to that, again, I looked at the GIS map that you also provided. Each one of those maps allow for an as-built review of the leach fields associated with that site. The leach fields are much closer located to the potable wells, in accordance with the dimensional requirements. I'm not saying it's not. But we are 700 feet.

I also have a standard from -- let me just pull this up. So the State of Connecticut DEEP Water Survey Well Receptor Survey Guidance Document [sic] Section 2.4 specifically states "A water supply well receptor survey is expected to be conducted when contamination is detected in a water supply well within 500 feet." So, again, we're about 700 feet from our property limits.

So the other thing I'd like to mention is

that the herbicides and pesticides that you're referring to are during the actual process of the orchard. As part of the development and the maintenance associated with the site, herbicides and pesticides are not going to be implemented as part of maintenance for this site.

Q Okay. Thank you. With regard to the site and the Department of Agriculture letter, the Commissioner of Agriculture indicates that he is giving permission for dual use of the site for agrivoltaics. And he mentions the use of -- doing that in order to promote pollinator species and for local beekeepers. Will there be local beekeepers allowed on the site?

MR. LAMARCHE: If a local beekeeper reached out to us and wanted to use the site for beekeeping, we would say yes.

CROSS-EXAMINATION

BY MR. WALSH:

Q Okay. And this leads to a question that Mr. Morissette asked earlier, and that's about the road and fencing. And it also ties in with public safety. The road is going to be completely fenced off around the site; is that correct?

A The road?

Q The gravel driveway?
A The -- the private road to the east of the school will not be fenced off. But once you get into the site area of the array, the entire array area will be fenced off. And the access for internal, like, O&M-type purposes inside there will be fenced off.
Q Will there be a way for emergency vehicles to get from the gravel driveway within the site to areas to the west beyond the site in the event of brush fires?
A There -- so we will work with local first responders to make sure that they have access through the gate and, if they were to choose to drive along the access road, they would have access along that path.
Q But the gate's going to be locked; correct?
A The gate will be locked. Typically, how most first responders will want to do it is something called a "Knox Box," which allows us to give them access to it. If they don't want to do that, we can use multiple locks, we can give them keys. There's other ways to give them access through a locked gate.
Q Your documents indicate that there'll be a 12-foot gate and a 4-foot gate. If there's only a 12-foot gate in the entrance, the emergency responders

will not be able to get from the gravel driveway to points west; is that correct?

A I'm not sure I understand your question. Can you say that a different way.

Q Sure. There's a 12-foot gate to the entrance of the site. The gravel driveway is going to proceed east to west along the northern border of the site, and then it's going to make a turn to the south in the western part of the site; correct?

A Correct.

Q Okay. If there is a brush fire beyond the fenced area, my question is, will there be another gate for the responders to get off of the gravel driveway to access the brush fire?

A Oh, you mean, like, on the other side of the project?

Q Correct. On the southwest corner.

A If they would like that, we'd be more than happy to add a second gate.

Q It would probably be useful to have.

THE VICE CHAIR: Hey, Mr. Walsh, it's getting late in the day. So if you could kindly ask any closing questions that are --

MR. WALSH: Okay.

THE VICE CHAIR: -- important to you,

we would certainly appreciate it.

MR. WALSH: I have two questions, Mr. Morissette. Thank you.

THE VICE CHAIR: Thank you.

CROSS-EXAMINATION

BY MR. WALSH:

Q One, Mr. Golembiewski before was talking about wetlands. And I'm a little confused. I thought that the site had well-drained soils, and yet you're telling me that the pond on the site is not a wetland or watercourse. So could you please explain that to me a little bit. I'm trying to follow that.

A Well, I was -- I -- I described the pond -- I'm sorry. This is Ralph Downard again. The pond is actually beyond the limits of where the solar panels were going to go. And I mentioned the pond as being down-gradient of the wetlands within the extractive use operation. I didn't say the pond wasn't regulated because we really didn't touch upon that because it's beyond the limit of where the project site's going to go.

Q Okay. But in fact, manmade wetlands and watercourses are regulated by the State of Connecticut; correct?

A That's correct. If they meet the criteria.

And the wetlands within the extractive use operation did not meet the criteria of the Connecticut regulations, based on my opinion.

Q I'm trying to understand how you can have a standing body of water and it not being a wetland.

A No. That's the pond. The pond was beyond the limit of the investigation. So I'm -- I'm talking about the wetlands that are up-gradient from the pond.

Q All right. Thank you.

A You're welcome.

Q And the last questions have to do with the project slope. Did Greenskies conduct any studies about the location of the panels or an inclination of the panels towards the south rather than having them sitting flat on a slope up to 15 degrees to the north?

MR. LAMARCHE: We -- the location of the panels were, you know, designed based off of -- we discussed already -- all of the different parameters. And once we finalized the location of the panels, we did a energy analysis to determine how much energy they would -- be produced, which is -- takes into account the slopes and everything.

CROSS-EXAMINATION

BY MR. WALSH:

Q Would the panels not be more efficient if

they were not inclined to the north?

A The energy generation would be higher. The energy generation would be higher if they were on a dual tracking system as well, but it doesn't need to be higher.

Q Would Greenskies be amenable to moving the panels in the north farther away from the property boundary or reducing the number of panels so as the project would be further away from the property boundary to the north?

A I don't see any reason to do that. I don't see a benefit of it. It would reduce the capacity of the project and reduce the energy value of the project.

Q Is there an energy value that below which this project would not be feasible?

A Yes.

Q And could you share that with us?

A I don't know that number. We'd have to do a sensitivity study looking at it iteratively, and I don't know that number.

Q Three megawatts? Two megawatts? Can you give an estimate?

MR. HOFFMAN: Objection. He answered the question.

BY MR. WALSH:

Q I'm asking if you can give an estimate.

A I cannot give an estimate.

MR. WALSH: Okay. Thank you.

If I could just check real quick here, Mr. Morissette -- I apologize -- just to make sure I don't have anything else.

THE VICE CHAIR: Very good. Thank you.

CROSS-EXAMINATION

BY MR. WALSH:

Q One question: Is there any erosion features included with the panels -- excuse me -- any erosion features on the slopes other than the level spreaders to control runoff?

A This is Eric Denardo. So we are completely in compliance with the Connecticut construction general permit dated January 2026. Obviously, I've mentioned before that we're going to be maintaining not to exceed 15 percent. Both the preliminary, which is what you're seeing right now, and the final design will conform to the design requirements that are associated with the CGP, as I mentioned before.

One thing I would like to mention associated with this -- you know, the existing conditions on the site, as I mentioned multiple times, during the

excavation process, the slope stability along the hillside where there's a drastic change from the level area within the orchard itself down to where the excavation was, what we're proposing is a much greater management of runoff and inability for any potential hillside collapse. In addition, we evaluated all different design points associated with the property and showed a significant reduction of both runoff and the volume of water that would make its way beyond the project limits.

Q In your report you said it would be a 46,000 square foot reduction in impervious surface. Is that correct?

A Correct.

Q Does that include -- did you include the solar panels in that calculation or not?

A That is not a requirement through Connecticut DEEP to include solar panels if we're less than 15 percent.

Q I understand that. But my question is did you include them in your representation that you are reducing impervious surface area by 46,000 square feet?

A But they're not defined as impervious areas based on Connecticut DEEP.

Q You're saying that because they're purportedly disconnected; is that correct?
A Correct.
Q Okay. And the panels that are in the center part of the project all in a row are parallel to the slope; are they not?
A Correct.
Q Okay. And when they're all angled at the same angle, you can have a drip edge like you'd have on a house without a gutter. And you're going to have linear flow along the bottom of those panels. It's not going to be sheet flow; is that correct?
A Just at the drip edge. You have to understand that the topography is going to create sheet flow. We do not have channelized flow throughout this site.
Q Even on the areas where the edges of the panel are parallel to the slope?
A You have to -- again, to understand: Topography is where the sheet flow will be generated as part of stormwater. It is not the drip edge. So if you have a specific topography that does not create channelized flow, you are managing better than what it is -- what it is right now. The drip edge is not a requirement as part of Connecticut DEEP.

Q But let me back up. So the -- if there's linear flow rather than sheet flow, that would disqualify it from the DEEP general construction permit; correct?

A Can you restate that. Because I don't understand your question.

Q Sure. One of the requirements for the general construction permit is you have to have sheet flow?

A Correct.

Q And my point is that if you have a linear flow from the drip edges, that's no longer sheet flow; is that correct?

A But that's not how it's evaluated as part of the construction general permit. You do not look at the panels, if they're greater than 15 percent, as a linear drip edge. It's the topography. It has nothing to do with the panels.

MR. WALSH: Okay. Thank you. I'll leave it at that.

Let me just make sure there's nothing else, but I think that covers everything. All right. Thank you very much, Mr. Morissette, Council.

THE VICE CHAIR: And thank you, Mr. Walsh. Thank you for the good questions this

afternoon.

The Council will recess until 6:30 p.m. this evening, at which time we will commence with the public comment session of this public hearing. Thank you, everyone, for participating.

MR. CURTO: Excuse me, Mr. Morrisette. Just a quick question. I'm not as familiar with the procedures as some.

THE VICE CHAIR: Certainly.

MR. CURTO: We haven't done that -- we haven't done cross-exam of my witnesses. Are we required to be at the public session or not?

THE VICE CHAIR: No. Only if any from the -- anybody from the Town -- well, actually, since you're an intervenor, that wouldn't happen. So, no, for this evening you're not -- your presence is not required. But at the next continuation hearing, your witnesses will be cross-examined.

MR. CURTO: Yeah. Oh, and just a clarification -- I meant to mention this earlier. I apologize. The Town is actually a party, not an intervenor.

THE VICE CHAIR: Very good.

MR. CURTO: Thank you.

THE VICE CHAIR: Thank you.

MR. HOFFMAN: Mr. Morissette?
THE VICE CHAIR: Yes, Attorney Hoffman.
MR. HOFFMAN: If I may. If the Council has cross-examination for either the Town of Glastonbury's witnesses or for the intervenor, Mr. Walsh, obviously, we'll have a continuation hearing. But the petitioner is willing to waive any cross-examination of either the Town of Glastonbury or Mr. Walsh if the Council doesn't want to cross-examine either witness.
THE VICE CHAIR: Very good. We'll take that under consideration, and I'll have a discussion with Attorney Bachman on how to proceed.
MR. HOFFMAN: Understood. We'd reserve our rights if the Council cross-examines either entity. But if there's no cross-examine from the -- cross-examination from the Council, we don't need to have cross-examination ourselves.
THE VICE CHAIR: Very good.
MS. BACHMAN: Vice Chair Morissette, to be clear --
Thank you, Mr. Hoffman.
We do have cross-examination for the Town and Mr. Walsh because they do have exhibits that would not be admitted into the record unless they were

subject to cross-examination. So we are going to have a continuation hearing. Thank you. And we'll announce it later.

THE VICE CHAIR: Very good. Thank you, Attorney Bachman.

And thank you, Attorney Hoffman.

Okay. That concludes our hearing for this afternoon. We'll see everybody at 6:30 p.m. Thank you.

(Whereupon, at 5:24 p.m., the proceeding was concluded.)

CERTIFICATE

I, RICHARD RADWANSKI, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

RICHARD RADWANSKI
Notary Public in and for the
State of Connecticut

CERTIFICATE OF TRANSCRIBER

I, ADELE DEON, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

ADELE DEON

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