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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

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A P P E A R A N C E S

ON BEHALF OF PETITIONER GREENSKIES CLEAN ENERGY LLC:

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KATHRYN E. BOUCHER, ESQUIRE
LIANA FEINN, ESQUIRE
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ON BEHALF OF PARTY TOWN OF GLASTONBURY:

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(860) 297-4697

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

2 ON BEHALF OF INTERVENOR CHARLES WALSH:

3 CHARLES WALSH, ESQUIRE, PRO SE

4

5 ALSO PRESENT:

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

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

12 Chance Carter, Member, Connecticut Siting Council

13 Khristine Hall, Member, Connecticut Siting
14 Council

15 Bill Syme, Member, Connecticut Siting Council

16 Melanie Bachman, Esquire, Executive Director,
17 Connecticut Siting Council

18 Michael Perrone, Siting Analyst, Connecticut
19 Siting Council

20 Dakota LaFountain, Office Assistant, Connecticut
21 Siting Council

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

24

25

	I N D E X				
	WITNESS (ES) :	DX	CX	RDX	RCX
1					
2					
3	JEAN-PAUL LAMARCHE				
4	By Mr. Hoffman	19			
5	By Mr. Perrone		27		
6	By Mr. Nguyen		41		
7	By Mr. Carter		42		
8	By Ms. Hall		44		
9	By Mr. Syme		45		
10	By Mr. Curto		55		
11	By Mr. Walsh		89		
12	By Mr. Walsh		99		
13	By Mr. Walsh		109		
14	By Mr. Walsh		133		
15	By Mr. Walsh		137		
16	EMILIE COHEN				
17	By Mr. Hoffman	21			
18	By Mr. Curto		87		
19	ERIC DENARDO				
20	By Mr. Hoffman	21			
21	By Mr. Walsh		127		
22	By Mr. Walsh		139		
23					
24					
25					

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I N D E X (Cont'd)

WITNESS (ES) :	DX	CX	RDX	RCX
RALPH DOWNARD				
By Mr. Hoffman	22			
By Mr. Golembiewski		33		
By Mr. Walsh		136		
ISAAC OLD				
By Mr. Hoffman	23			
By Mr. Walsh		93		
GORDON PERKINS				
By Mr. Hoffman	24			
By Mr. Nguyen		39		
By Mr. Curto		74		
By Mr. Walsh		100		

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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

1
2 THE VICE CHAIR: My name is John
3 Morissette, Vice Chair of the Connecticut Siting
4 Council. Other members of the Council are Brian
5 Golembiewski, designee for Commissioner Katie Dykes of
6 the Department of Energy and Environmental Protection;
7 Quat Nguyen, designee for Chairman Elect Thomas Wiehl
8 of the Public Utilities Regulatory Authority; Chance
9 Carter; Khristine Hall; and Bill Syme. Members of the
10 staff are executive director Melanie Bachman, siting
11 analyst Michael Perrone, and administrative support
12 Lisa Fontaine.

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

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

1 and the associated electrical interconnection. This
2 petition was received by the Council on October 27,
3 2025.

4 The Council's legal notice of the date
5 and time of this public hearing was published in The
6 Glastonbury Citizen on January 15, 2026. Upon this
7 Council's request, the petitioner erected a sign in
8 the vicinity of the proposed site so as to inform the
9 public of the name of the petitioner; the type of
10 facility; the public hearing date; and contact
11 information for the Council, including the website and
12 phone number.

13 As a reminder to all, off-the-record
14 communication with a member of the Council or a member
15 of the Council staff upon the merits of this petition
16 is prohibited by law. The parties and intervenors of
17 the proceeding are as follows: The petitioner,
18 Greenskies Clean Energy LLC, represented by Lee D.
19 Hoffman, Esquire; Kathryn E. Boucher, Esquire; Liana
20 Feinn, Esquire, of Pullman & Comley, LLC. The party,
21 the Town of Glastonbury -- its representatives Michael
22 Collins, Esquire, and Alan Curto, Esquire, of Halloran
23 Sage LLP. And we have one intervenor, Charles Walsh,
24 represented by himself.

25 We will proceed in accordance with the

1 prepared agenda, a copy of which is available on the
2 Council's website along with a record of this matter,
3 the public hearing notice, instructions for public
4 access to this public hearing, and the Council's
5 Citizens Guide to Siting Council Procedures.

6 Interested persons may join any session of this public
7 hearing to listen, but no public comments will be
8 received during the 2 p.m. evidentiary session. At
9 the end of the evidentiary session, we will recess
10 until 6:30 p.m. for the public comment session.

11 Please be advised that any person may be removed from
12 the evidentiary session or the public comment session
13 at the discretion of the Council.

14 The 6:30 p.m. public comment session
15 will be reserved for members of the public who signed
16 up to make brief statements into the record. I wish
17 to note that the petitioner, parties, and intervenors,
18 including their representatives and witnesses, are not
19 allowed to participate in the public comment session.
20 I also wish to note, for those who are listening and
21 for the benefit of your friends and neighbors who are
22 unable to join us with a public comment session, that
23 you or they may send written statements to the Council
24 within 30 days of the date hereof, either by mail or
25 by email, and such written statements will be given

1 the same weight as if spoken during the public comment
2 session.

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

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

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

15 Attorney Bachman, good afternoon.

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

18 Last night, Greenskies Clean Energy
19 submitted an objection to Intervenor Walsh's March 5,
20 2026, request for administrative notice. This
21 morning, Mr. Walsh submitted a response to Greenskies'
22 objection.

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

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

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

15 Item 3 relates directly to Walsh
16 Exhibit 7, CF Portland Old Maids LLC record from the
17 Secretary of State website on Walsh's March 5, 2026,
18 exhibit list. Mr. Walsh did not author this exhibit;
19 therefore, staff recommends Walsh Exhibit 7 be
20 combined with Walsh Administrative Notice Item number
21 3 and Greenskies' objection to this item to be denied.

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

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

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

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

21 Thank you, Mr. Morissette.

22 THE VICE CHAIR: Thank you, Attorney
23 Bachman.

24 Is there a motion?

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

1 the requested exhibits as outlined by Ms. Bachman.

2 THE VICE CHAIR: Thank you, Ms. Hall.

3 Is there a second?

4 MR. CARTER: I'll second.

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

7 THE VICE CHAIR: Thank you, Mr. Carter.

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

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

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

17 THE VICE CHAIR: Very good.

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

20 Mr. Golembiewski, any discussion?

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

23 THE VICE CHAIR: Thank you.

24 Mr. Nguyen, any discussion?

25 MR. NGUYEN: No discussion. Thank you.

1 THE VICE CHAIR: Thank you.

2 Mr. Carter, any discussion?

3 MR. CARTER: I have none. Thank you.

4 THE VICE CHAIR: Thank you.

5 Ms. Hall, any discussion?

6 MS. HALL: No discussion. Thank you.

7 THE VICE CHAIR: Thank you.

8 Mr. Syme, any discussion?

9 MR. SYME: I have none.

10 THE VICE CHAIR: Thank you.

11 And I have no discussion. We'll now
12 move to the vote.

13 Mr. Golembiewski, how do you vote?

14 MR. GOLEMBIEWSKI: I vote to approve
15 the motion as laid out by Attorney Bachman and
16 yourself.

17 THE VICE CHAIR: Thank you.

18 Mr. Nguyen, how do you vote?

19 MR. NGUYEN: Yeah. I vote to approve
20 the motion to deny.

21 THE VICE CHAIR: Thank you.

22 MR. NGUYEN: Thank you.

23 THE VICE CHAIR: Mr. Carter?

24 MR. CARTER: I vote to approve the
25 motion as outlined. Thank you.

1 THE VICE CHAIR: Thank you.

2 Ms. Hall?

3 MS. HALL: I vote to approve the motion
4 to deny.

5 THE VICE CHAIR: Thank you.

6 Mr. Syme?

7 MR. SYME: Vote in favor of the motion.

8 THE VICE CHAIR: Thank you.

9 And I also vote in favor of the motion.

10 We have a unanimous decision. The motion for
11 objection for 1, 3, 4, and 6 are denied. And the
12 Exhibit Number 5 as proposed by Mr. Walsh is also
13 denied. Very good. Thank you.

14 I call your attention to those items
15 shown on the hearing program marked as Roman numeral I
16 C, Items 1 through 101. Does any party or intervenor
17 have an objection of these items that the Council has
18 administratively noticed?

19 Attorney Hoffman or Attorney Boucher,
20 good afternoon.

21 MR. HOFFMAN: Apologies. We appeared
22 to have been muted by the Council. Good afternoon,
23 Mr. Morrisette. We have no objection.

24 THE VICE CHAIR: Good afternoon,
25 Attorney Hoffman.

1 Attorney Collins or Curto, good
2 afternoon.

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

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

10 Mr. Charles Walsh, good afternoon.

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

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

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

1 That's all. Thank you.

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

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

7 THE VICE CHAIR: Very good. Thank you.

8 MR. WALSH: Thank you.

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

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

17 Attorney Hoffman.

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

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

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

7 THE VICE CHAIR: Very good.

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

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

12 THE VICE CHAIR: Thank you.

13 Mr. Walsh?

14 MR. WALSH: No objection.

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

17 Attorney Bachman.

18 MS. BACHMAN: Thank you, Vice Chair
19 Morrisette.

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

1 MULTIPLE SPEAKERS: Yes.

2 MS. BACHMAN: Thank you.

3 THE VICE CHAIR: Thank you, Attorney
4 Bachman.

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

8 MR. HOFFMAN: Certainly.

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

11 WHEREUPON,

12 JEAN-PAUL LAMARCHE,
13 called as a witness and having been first duly sworn
14 to tell the truth, the whole truth, and nothing but
15 the truth, was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HOFFMAN:

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

20 A Yes, I am.

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

23 A Yes, I did.

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

1 A Yes.

2 Q And do you have an amendment to one of
3 those?

4 A I would like to change one.

5 Q What is your proposed amendment?

6 A So under the petition filing, the time of
7 construction start I believe we listed as 6:30 a.m.

8 Q Yes.

9 A In the interrogatory responses, we agreed to
10 change that to 7 a.m.. And I just want to make that
11 clear, that we are changing our construction start
12 time to later in the day.

13 Q Okay. And with that change, are all the
14 exhibits accurate, to the best of your knowledge and
15 belief?

16 A Yes.

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

19 A Yes, I do.

20 WHEREUPON,

21 EMILIE COHEN,

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

25 //

DIRECT EXAMINATION

1
2 Q Ms. Cohen, I have the same questions for
3 you. Did you prepare or assist in the preparation of
4 the exhibits listed in Roman numeral II B?

5 A Yes.

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

8 A Yes.

9 Q And do you have any further changes today?

10 A No, I do not.

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

13 A Yes.

14 Q Thank you.

15 MR. HOFFMAN: Turning to Mr. Denardo.
16 WHEREUPON,

17 ERIC DENARDO,
18 called as a witness and having been first duly sworn
19 to tell the truth, the whole truth, and nothing but
20 the truth, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. HOFFMAN:

23 Q Good afternoon.

24 A Good afternoon.

25 Q Are you familiar -- good afternoon. Are you

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

3 A Yes.

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

6 A Yes.

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

9 A Yes.

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

13 A No.

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

16 A Yes.

17 WHEREUPON,

18 RALPH DOWNARD,

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

22 DIRECT EXAMINATION

23 BY MR. HOFFMAN:

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

1 exhibits listed in Roman numeral II B?

2 A Yes, sir.

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

5 A Yes, sir.

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

8 A No, sir.

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

11 A Yes, sir.

12 Q Thank you.

13 WHEREUPON,

14 ISAAC OLD,

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

18 DIRECT EXAMINATION

19 BY MR. HOFFMAN:

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

22 A Yes.

23 Q And did you prepare or assist in their
24 preparation?

25 A I assisted in the preparation of Appendix L,

1 which is the noise study.

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

4 A I do not.

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

7 A I do.

8 Q Thank you.

9 WHEREUPON,

10 GORDON PERKINS,

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

14 DIRECT EXAMINATION

15 BY MR. HOFFMAN:

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

19 A Yes, I am.

20 Q And did you prepare or assist in their
21 preparation?

22 A Yes, I did.

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

1 A Yes.

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

4 A Yes.

5 MR. HOFFMAN: With that,
6 Mr. Morissette, I would ask that Exhibits II B 1
7 through 6 be adopted as full evidentiary exhibits in
8 this hearing.

9 THE VICE CHAIR: Thank you, Attorney
10 Hoffman.

11 Does any party or intervenor object to
12 the admission of the petitioner's exhibits?

13 Attorney Curto?

14 MR. CURTO: No objection,
15 Mr. Morrisette.

16 THE VICE CHAIR: Thank you.

17 Mr. Walsh?

18 MR. WALSH: Mr. Morrisette, I don't
19 believe I received a copy of the hearing program from
20 the Council. I have not seen a copy of that.

21 THE VICE CHAIR: Well, the hearing
22 program is on the website, if you so choose to go on
23 there and peruse it.

24 MR. WALSH: I -- I was just looking for
25 it, sir; and I did not see it. I apologize.

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

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

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

15 MR. WALSH: No objection.

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

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

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

24 Mr. Perrone, good afternoon.

25 MR. PERRONE: Afternoon. Thank you,

1 Mr. Vice Chair.

2 CROSS-EXAMINATION

3 BY MR. PERRONE:

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

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

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

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

23 Q Why were tracker panels selected versus
24 fixed panels?

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

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

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

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

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

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

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

24 A Sorry. You said would it affect
25 groundwater?

1 Q Yes.

2 A No.

3 Q And moving on to response to Council
4 Interrogatory 39, has GCE had any discussions with the
5 fire department regarding the availability of fire
6 water, such as whether the hydrant would be suitable
7 or if tanker trucks would be needed?

8 A I'm not aware of any specific discussions
9 regarding that.

10 MR. LAMARCHE: Emilie, are you aware of
11 any specific discussions?

12 MS. COHEN: No, I'm not.

13 MR. LAMARCHE: Okay.

14 My answer would be no, then.

15 BY MR. PERRONE:

16 Q Moving on to the response to Council
17 Interrogatory 45 that gets into airport distances. We
18 have the distance to Tweed. Do you have the
19 approximate distance to Bradley from the proposed
20 site?

21 A I do not. We can -- we can measure that and
22 get back to you.

23 Q Sure. And moving on to the response to
24 Council Interrogatory number 1, Attachment B. Where
25 does GCE anticipate installation of vegetative

1 screening?

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

4 MR. LAMARCHE: Correct, Emilie?

5 MS. COHEN: Yeah. That's correct.

6 BY MR. PERRONE:

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

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

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

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

19 MR. DENARDO: I do not.

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

22 BY MR. PERRONE:

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

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

3 MR. LAMARCHE: Eric?

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

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

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

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

21 MR. PERRONE: Thank you.

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

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

4 THE VICE CHAIR: Thank you.

5 MR. PERRONE: Thank you.

6 THE VICE CHAIR: Thank you,
7 Mr. Perrone.

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

11 MR. PERKINS: I apologize.

12 THE VICE CHAIR: Thank you.

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

15 THE VICE CHAIR: Thank you.

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

18 MR. PERRONE: Yes.

19 THE VICE CHAIR: Okay. Very good.

20 And, the panel, at your convenience, if you could find
21 an answer to that; and we can redress it right after
22 break. Thank you.

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

1 Mr. Golembiewski, good afternoon.

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

6 CROSS-EXAMINATION

7 BY MR. GOLEMBIEWSKI:

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

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

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

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

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

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

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

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

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

21 A That's correct, sir.

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

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

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

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

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

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

21 A Correct.

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

24 A Correct.

25 Q They don't have an --

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

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

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

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

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

1 across the surface.

2 Q And -- but --

3 A With no defined channel.

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

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

16 Q So stormwater runoff -- so from where?

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

19 Q Okay. And so --

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

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

1 and north of the site of these areas?

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

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

14 A Yes, sir.

15 Q Okay.

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

19 Q Yeah.

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

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

23 A --

24 A Yes, sir.

25 Q -- Wetlands A through D. Okay.

1 A Yes, sir.

2 Q And these wetlands are not a reflection of
3 the local groundwater table, and they are,
4 elevation-wise, higher than that pond?

5 A Yes, sir.

6 MR. GOLEMBIEWSKI: Okay.

7 All right. That's all I have. Thank
8 you, Vice Chair.

9 THE VICE CHAIR: Thank you,
10 Mr. Golembiewski.

11 We'll continue with cross-examination
12 of the petitioner by Mr. Nguyen, followed by
13 Mr. Carter.

14 Mr. Nguyen, good afternoon.

15 MR. NGUYEN: Good afternoon, Mr. Vice
16 Chair.

17 And good afternoon, everyone. Just a
18 couple.

19 CROSS-EXAMINATION

20 BY MR. NGUYEN:

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

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

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

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

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

24 //

25 //

CROSS-EXAMINATION

1
2 BY MR. NGUYEN:

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

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

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

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

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

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

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

25 MR. NGUYEN: That'd be great.

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

3 MR. NGUYEN: Yes.

4 THE VICE CHAIR: Very good. Thank you.

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

7 THE VICE CHAIR: Thank you, Mr. Nguyen.
8 We'll now continue with
9 cross-examination by Mr. Carter, followed by Ms. Hall.
10 Mr. Carter, good afternoon.

11 MR. CARTER: Good afternoon,
12 Mr. Morrisette.

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

17 CROSS-EXAMINATION

18 BY MR. CARTER:

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

1 any potential need for additional support.

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

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

6 BY MR. CARTER:

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

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

13 Q I would appreciate that.

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

16 BY MR. CARTER:

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

1 additional consultation would be nice, in my opinion.

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

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

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

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

12 THE VICE CHAIR: Thank you, Mr. Carter.
13 We'll now continue cross-examination by
14 Ms. Hall, followed by Mr. Syme.

15 Ms. Hall, good afternoon.

16 MS. HALL: Good afternoon.

17 CROSS-EXAMINATION

18 BY MS. HALL:

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

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

25 Q Okay. All right. That presumes everything

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

3 A No. This would be 2027.

4 Q 2027. Got it. Okay. All right.

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

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

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

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

18 THE VICE CHAIR: Thank you, Ms. Hall.

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

21 Mr. Syme, good afternoon.

22 MR. SYME: Good afternoon, everybody.

23 CROSS-EXAMINATION

24 BY MR. SYME:

25 Q We touched on the wetlands and -- with

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

12 A Across which road?

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

15 A Correct.

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

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

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

25 A Yeah. That private access road, the feeders

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

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

6 THE VICE CHAIR: Thank you, Mr. Syme.

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

13 MR. LAMARCHE: Correct.

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

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

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

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

1 customer meter.

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

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

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

15 MR. DENARDO: Yes.

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

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

25 MR. DENARDO: We can confirm in terms

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

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

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

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

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

25 There were certain areas on site that

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

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

16 Does that satisfy your question?

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

20 MR. LAMARCHE: Let me --

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

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

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

12 THE VICE CHAIR: Okay.

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

15 THE VICE CHAIR: Please do.

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

25 THE VICE CHAIR: Okay. So let me make

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

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

5 MR. DENARDO: Yes.

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

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

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

1 with the actual development piece.

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

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

25 THE VICE CHAIR: Okay. Great. Thank

1 you. That was helpful.

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

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

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

16 Attorney Curto, good afternoon.

17 MR. CURTO: Good afternoon,
18 Mr. Morrisette.

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

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

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

6 CROSS-EXAMINATION

7 BY MR. CURTO:

8 Q So starting with construction schedule and
9 noise, I heard from the response to Council Member
10 Hall's question about scheduling that the current plan
11 is from May to November 2027. Is that a change from
12 2026? Because my original understanding was that it
13 was going to be done this year. Is that a change?

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

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

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

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

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

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

25 So from our perspective, we would prefer to

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

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

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

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

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

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

4 A Seven to three, I think it is.

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

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

17 A Correct.

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

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

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

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

6 MR. LAMARCHE: Yes. That is correct.

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

10 MR. HOFFMAN: Perfect.

11 BY MR. CURTO:

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

21 A Correct. Yes.

22 Q Okay. Great. Thank you.

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

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

10 A Yes.

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

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

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

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

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

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

10 A Yes.

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

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

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

22 A Absolutely. Yes.

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

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

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

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

10 A Correct.

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

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

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

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

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

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

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

24 A That is generally correct.

25 Q Okay. Is there a downside to adding the

1 anti-reflective coating?

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

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

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

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

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

22 A Yeah.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Q Okay. Thank you very much.

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

12 MR. LAMARCHE: We will do our best.

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

16 MR. LAMARCHE: Yep.

17 THE VICE CHAIR: I would appreciate
18 that.

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

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

1 you.

2 Attorney Curto, please continue.

3 MR. CURTO: Thank you, Mr. Morrisette.

4 BY MR. CURTO:

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

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

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

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

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

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

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

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

25 Do you know whether these various input

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

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

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

10 A Correct.

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

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

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

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

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

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

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

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

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

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

24 A Okay.

25 Q Okay.

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

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

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

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

21 MR. LAMARCHE: Correct?

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

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

1 from Mr. Perkins.

2 MR. CURTO: Oh, sorry.

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

5 CROSS-EXAMINATION

6 BY MR. CURTO:

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

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

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

25 And then from the private residence at 77

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

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

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

18 Q Okay.

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

24 Q Okay.

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

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

3 Q So we're at Viewpoint 1?

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

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

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

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

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

1 together just to give the viewer more context.

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

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

10 Q Sure.

11 A Because I -- I think --

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

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

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

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

24 THE VICE CHAIR: Okay. You do that --

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

1 THE VICE CHAIR: Excuse me.

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

4 BY MR. CURTO:

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

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

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

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

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

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

21 BY MR. CURTO:

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

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

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

8 Q Okay. All right. That's helpful.

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

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

17 (Off the record.)

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

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

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

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

1 Town requested on its own behalf that Greenskies
2 respond to interrogatories of Attorney Walsh numbered
3 68A through C and 69A through C regarding
4 decommissioning. And there was -- those
5 interrogatories were objected to by Greenskies on the
6 basis of relevance.

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

18 And moving from that letter to the general
19 statutes -- and I know the statutes is not part of the
20 record, but I'm certain the Council will take
21 administrative notice of general statutes -- Section
22 16-50k of the statutes requires that any photovoltaic
23 facility of 2 megawatts or more that's --

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

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

5 THE VICE CHAIR: Thank you.

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

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

25 MR. CURTO: Well, I know Attorney

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

2 THE VICE CHAIR: Thank you.

3 Attorney Bachman?

4 MS. BACHMAN: Thank you, Vice Chair
5 Morrisette.

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

9 MR. CURTO: Well --

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

12 MR. CURTO: Well, the issue --

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

15 MR. CURTO: Well --

16 MS. BACHMAN: Thank you,
17 Mr. Morrisette.

18 THE VICE CHAIR: Thank you, Attorney
19 Bachman.

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

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

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

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

4 MR. CURTO: Well, I think --

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

7 MR. CURTO: Okay.

8 THE VICE CHAIR: Thank you. Any
9 further questions?

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

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

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

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

21 THE VICE CHAIR: Very good.

22 Mr. Perkins?

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

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

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

11 THE VICE CHAIR: Thank you,
12 Mr. Perkins.

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

15 MR. HOFFMAN: Mr. Denardo has that
16 information.

17 THE VICE CHAIR: Thank you.

18 MR. DENARDO: Yes. Eric Denardo. I
19 reviewed the linear distance from the equipment pad
20 for the preliminary design plans. It's approximately
21 1,200 linear feet to the school.

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

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

1 general vicinity, and we have distances for all three.

2 THE VICE CHAIR: Very good. Thank you.

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

8 THE VICE CHAIR: Thank you, Ms. Cohen.
9 The next is the setback of the roads
10 and fences.

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

13 THE VICE CHAIR: Thank you.

14 Mr. Denardo?

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

21 THE VICE CHAIR: In Portland?

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

24 THE VICE CHAIR: Okay. Got you.

25 MR. DENARDO: Yes.

1 THE VICE CHAIR: Okay. Thank you.

2 Very good.

3 Okay. And --

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

5 THE VICE CHAIR: Yes, Attorney Hoffman,
6 please.

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

14 THE VICE CHAIR: Please do. Please
15 continue.

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

24 THE VICE CHAIR: Thank you.

25 MR. HOFFMAN: And then Mr. Perkins has

1 an explanation on why there's no red glare.

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

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

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

14 THE VICE CHAIR: Thank you,
15 Mr. Perkins.

16 Attorney Curto?

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

19 THE VICE CHAIR: Certainly. Please go
20 ahead.

21 CROSS-EXAMINATION

22 BY MR. CURTO:

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

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

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

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

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

13 A Correct.

14 MR. CURTO: Thank you.

15 THE VICE CHAIR: Very good. Thank you.

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

18 Mr. Walsh, good afternoon.

19 MR. WALSH: Good afternoon,

20 Mr. Morissette. Thank you very much.

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

1 for regrading of the site?

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

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

9 CROSS-EXAMINATION

10 BY MR. WALSH:

11 Q Correct. In the lease?

12 A Yes.

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

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

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

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

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

4 A Correct.

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

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

10 BY MR. WALSH:

11 Q Would you --

12 THE VICE CHAIR: Yes. It does.
13 Sustained.

14 MR. WALSH: I'll rephrase.

15 THE VICE CHAIR: Please continue.

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

17 BY MR. WALSH:

18 Q Can I get a clarification on the size of the
19 panels. In Appendix B, there's an indication that the
20 panels are, I believe, 200 -- 2,278 millimeters by
21 1,134 millimeters. And if my math's right, it comes
22 out to about 7.47 feet by about 3.72 feet.

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

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

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

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

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

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

23 MR. WALSH: I would --

24 THE VICE CHAIR: Thank you, Attorney
25 Hoffman.

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

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

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

18 THE VICE CHAIR: Sustained.

19 Please continue.

20 BY MR. WALSH:

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

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

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

6 MR. OLD: Sure.

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

13 CROSS-EXAMINATION

14 BY MR. WALSH:

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

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

19 Q Correct. And if the Portland limits are
20 lower than the state limits, which you have on your
21 table -- I believe it's table -- beginning on page
22 0003 of Intervenor's Exhibit 3, continue on to page
23 0004. Wouldn't those limits be the appropriate limits
24 to use rather than the ones that you have in your
25 sound modeling report?

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

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

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

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

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

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

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

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

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

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

9 A Generally speaking, yes.

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

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

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

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

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

24 A Can you define that a bit better.

25 Q Sure. My understanding is there's going to

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

4 A To what distance here?

5 Q At the source.

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

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

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

23 A So that's what the document says?

24 Q Correct. Does that sound like a reasonable
25 statement?

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

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

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

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

13 A More or less, yes.

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

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

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

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

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

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

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

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

8 A Correct.

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

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

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

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

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

23 A It could be done either way.

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

1 be generated by the pile driving?

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

3 MR. LAMARCHE: Yeah.

4 MR. WALSH: Whoever wants to answer it.

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

7 CROSS-EXAMINATION

8 BY MR. WALSH:

9 Q Yes, sir.

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

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

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

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

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

15 MR. OLD: That's correct.

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

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

21 MR. WALSH: Thank you.

22 CROSS-EXAMINATION

23 BY MR. WALSH:

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

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

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

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

16 A So the panel racks themselves are built into
17 the analysis that was completed for the PV panels. So
18 by sampling a conservative maximum height, which we
19 actually set at 12 feet, we're capturing the potential
20 visibility of the fence material inverters and the PV
21 panels themselves. They -- they would be at the
22 height that we considered in the visibility analysis:
23 12 feet. Those would be the tallest major visible
24 components of the facility.

25 Q Aren't the inverters and transformer pads at

1 a higher elevation than the panels?

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

8 MR. LAMARCHE: And -- and this --
9 Sorry to cut you off.

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

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

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

21 BY MR. WALSH:

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

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

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

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

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

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

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

25 But the object itself is considered a

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

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

10 A That is correct.

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

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

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

1 elevations from the school?

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

4 BY MR. WALSH:

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

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

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

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

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

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

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

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

18 A That's correct.

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

24 A That's correct. January 21st.

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

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

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

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

9 A A portion of it, yes.

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

12 A That's correct.

13 Q Okay. And let's move down. And by the way,
14 I note that looking at PDF page 9, the view from 77
15 Old Maids Lane is also designated Viewpoint 1. So for
16 some reason both viewpoints are designated Viewpoint
17 1?

18 A Oh, I apologize about that. Yeah.

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

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

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

1 A Page 10. Yes. That's correct.

2 Q And if you look at the -- above the house in
3 the center, to the left of the chimney, you see the
4 white snow in that photo. Is that the field where the
5 solar panels are going to be located?

6 A That is the field, but that is not where the
7 solar panels are proposed to be located. And this
8 goes back to -- in the beginning of of the hearing, we
9 had a discussion about moving the facility south. So
10 that actually is the south portion of the field, and
11 it's at an elevation of 259 feet.

12 The first PV panel, based on the DEM, is
13 actually greater than 20 feet lower than that. So
14 that portion of the field is not an indication of
15 potential project visibility.

16 Q Bear with me a moment. I'm trying to get to
17 Appendix A, the permit plan drawing set. So looking
18 at the plan drawing set, and I'm looking now at -- let
19 me find the document. In, I believe it is, PDF page
20 8, it says "Portland Design Plan 7 Grading 50." And
21 it is -- I apologize for the delay.

22 A Okay. I'm -- I'm catching up as you go.

23 Q Okay. It's Sheet C107.

24 A Okay, I'm with you.

25 Q Okay. Can you point out -- well, when you

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

3 A That's correct, yes.

4 Q Okay. Thank you.

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

8 Q Thank you. Appreciate that.

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

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

17 CROSS-EXAMINATION

18 BY MR. WALSH:

19 Q Okay. Thank you.

20 A -- I will call others in as needed.

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

25 A I do.

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

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

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

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

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

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

5 A Where are you referencing?

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

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

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

11 A Okay.

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

17 A I see what you're reading, yes.

18 Q Okay.

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

21 Q All right. I appreciate that. Thank you.

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

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

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

4 A For racks. Those are different numbers.

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

9 A So the answer to your Interrogatory number
10 71 was determined as a -- looking at transportation
11 costs for X amount of volume as just simply
12 transportation cost; right? We were not building a
13 decommissioning plan. We were not researching what
14 costs may be in 30 years from now. We were just
15 looking at what is our best estimate of transportation
16 costs right now with the resources that we have, and
17 this is the number that we came up with to answer your
18 question.

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

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

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

8 Q Okay. So my question to you then is, is the
9 19,000 or 38,000 dollars an estimated cost that should
10 be added to your total cost for decommissioning?

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

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

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

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

20 MR. WALSH: Correct.

21 MR. HOFFMAN: Okay.

22 BY MR. WALSH:

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

1 or are we substituting that cost for number 12.

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

9 Q This is referring to containers?
10 Transportation of containers?

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

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

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

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

1 Appendix D, Item number 1.

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

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

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

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

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

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

1 the top of my head.

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

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

6 Q All right. Thank you.

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

10 BY MR. WALSH:

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

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

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

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

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

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

4 Q Okay.

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

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

15 A Are you on the decommissioning document?

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

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

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

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

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

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

9 Q Okay. So can you explain that, please.

10 A Explain what?

11 Q What a rack of piles is?

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

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

25 Q So you're saying that multiple piles may be

1 holding up a single rack and, when you're talking
2 about 1,192 racks, that that may be more piles than
3 1,192?

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

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

8 A Yes.

9 Q Okay.

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

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

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

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

19 A Yes.

20 Q Okay. If I go back up and I look at the
21 rates for an excavator or a front-end loader in Item
22 number 5, "Break up concrete pads," you have a rate of
23 \$135 an hour; do you not?

24 A Correct.

25 Q So should the excavator rate here be \$135

1 rather than 25?

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

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

14 A I don't believe that.

15 Q So --

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

19 Q Okay. Well --

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

22 Q Okay. Well, who drafted this
23 decommissioning plan?

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

1 it based off of project specifics.

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

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

17 MR. WALSH: Very well.

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

24 MR. WALSH: Okay.

25 THE VICE CHAIR: Thank you.

1 MR. LAMARCHE: And -- and I -- I would
2 like to point out, Mr. Walsh, too that there was a
3 2022 study by NYSERDA out of -- that -- on
4 decommissioning that estimated that the costs were
5 roughly \$30,000 per megawatt, which puts this total
6 estimate essentially in line with that as well.

7 BY MR. WALSH:

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

10 A April 2022.

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

12 A I don't believe so, no.

13 Q Okay.

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

16 MR. LAMARCHE: Okay.

17 BY MR. WALSH:

18 Q Let me move on, then.

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

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

25 //

1 BY MR. WALSH:

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

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

10 Q Okay. Thank you.

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

13 BY MR. WALSH:

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

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

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

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

1 assets.

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

4 A Sounds about right.

5 Q Okay. And the petition was filed October
6 27, 2025; correct?

7 A Also sounds right.

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

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

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

1 A Didn't we provide that?

2 Q No. No. I'm asking if you could take a
3 look at it.

4 A Oh, I do.

5 Q And I'm not sure if you're the correct
6 person or if somebody else, but I want to talk
7 about --

8 A No. No. I'm happy to respond here. Let me
9 pull up the document.

10 Q Thank you.

11 A This is Exhibit A to which?

12 Q It should be to the Intervenor's
13 Interrogatory number 18.

14 MR. HOFFMAN: Intervenor's
15 Interrogatory number 18 -- are you talking about our
16 responses to intervenor's interrogatories?

17 MR. WALSH: Yes. Correct. Your
18 response to my 18. I believe that's the correct
19 number. Let me double-check.

20 MR. HOFFMAN: That says "Identify the
21 number of piles."

22 MR. WALSH: I apologize, then. I have
23 the wrong interrogatory.

24 BY MR. WALSH:

25 Q I asked whether there was any testing done

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

6 A And this would be the --

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

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

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

14 BY MR. WALSH:

15 Q Correct.

16 A Yeah. I'm looking at it.

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

21 A Yes.

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

1 tested for; correct?

2 A Correct.

3 Q Okay. And the second column is the CAS
4 number; is that right?

5 A I'm looking at that, yes.

6 Q Okay. The chemical abstract service number
7 for each analyte. And then units are either
8 milligrams per kilogram, which is parts per million,
9 or micrograms per kilogram. That's parts per billion;
10 is that correct?

11 A Okay.

12 Q Is that accurate?

13 A Yeah. It looks like there's a handful of
14 different units. It looks like mg per kilogram or ug
15 for the -- yeah, the small ug per milligram per
16 kilogram.

17 Q Okay. And do those represent parts per
18 million and parts per billion? -- is what I'm asking.

19 A Oh, I believe so.

20 Q Okay. And --

21 MR. DENARDO: This is Eric Denardo.
22 That is correct.

23 CROSS-EXAMINATION

24 BY MR. WALSH:

25 Q Okay. Mr. Denardo, if you'd like to chime

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

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

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

9 A No.

10 MR. LAMARCHE: No.

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

14 BY MR. WALSH:

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

18 A Correct.

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

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

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

25 A ASTM Phase 1.

1 Q And was that submitted into evidence?

2 A I believe so, yes.

3 MR. DENARDO: Lee, could I refer to you
4 for confirmation?

5 MR. LAMARCHE: I don't -- I don't think
6 we provided the Phase 1 ESA.

7 MR. DENARDO: Okay. Understood.

8 BY MR. WALSH:

9 Q Okay. So this was part of a larger report;
10 is that correct?

11 A Correct.

12 Q Okay. And looking at the analytes here,
13 anything that shows up in, I guess, the lavender color
14 would be something that tested positive; is that
15 correct?

16 A Correct.

17 Q Okay. And I note that there -- for each of
18 the samples, there's two columns. And one column has
19 the results of the test, and the second column says
20 "RL." And in the legend below, it says "Reporting
21 Limit." Is the reporting limit a reference to the
22 deep direct exposure criteria?

23 A No. The reporting limit is associated with
24 the laboratory reporting limit. That is the lowest
25 concentration that they can obtain. If anything is

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

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

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

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

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

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

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

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

1 this is not a site that requires remediation.

2 Q Okay.

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

6 MR. WALSH: Okay. Thank you.

7 BY MR. WALSH:

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

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

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

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

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

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

25 So the other thing I'd like to mention is

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

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

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

18 CROSS-EXAMINATION

19 BY MR. WALSH:

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

25 A The road?

1 Q The gravel driveway?

2 A The -- the private road to the east of the
3 school will not be fenced off. But once you get into
4 the site area of the array, the entire array area will
5 be fenced off. And the access for internal, like,
6 O&M-type purposes inside there will be fenced off.

7 Q Will there be a way for emergency vehicles
8 to get from the gravel driveway within the site to
9 areas to the west beyond the site in the event of
10 brush fires?

11 A There -- so we will work with local first
12 responders to make sure that they have access through
13 the gate and, if they were to choose to drive along
14 the access road, they would have access along that
15 path.

16 Q But the gate's going to be locked; correct?

17 A The gate will be locked. Typically, how
18 most first responders will want to do it is something
19 called a "Knox Box," which allows us to give them
20 access to it. If they don't want to do that, we can
21 use multiple locks, we can give them keys. There's
22 other ways to give them access through a locked gate.

23 Q Your documents indicate that there'll be a
24 12-foot gate and a 4-foot gate. If there's only a
25 12-foot gate in the entrance, the emergency responders

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

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

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

10 A Correct.

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

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

17 Q Correct. On the southwest corner.

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

20 Q It would probably be useful to have.

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

24 MR. WALSH: Okay.

25 THE VICE CHAIR: -- important to you,

1 we would certainly appreciate it.

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

4 THE VICE CHAIR: Thank you.

5 CROSS-EXAMINATION

6 BY MR. WALSH:

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

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

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

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

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

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

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

9 Q All right. Thank you.

10 A You're welcome.

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

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

23 CROSS-EXAMINATION

24 BY MR. WALSH:

25 Q Would the panels not be more efficient if

1 they were not inclined to the north?

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

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

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

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

17 A Yes.

18 Q And could you share that with us?

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

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

24 MR. HOFFMAN: Objection. He answered
25 the question.

1 BY MR. WALSH:

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

3 A I cannot give an estimate.

4 MR. WALSH: Okay. Thank you.

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

8 THE VICE CHAIR: Very good. Thank you.

9 CROSS-EXAMINATION

10 BY MR. WALSH:

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

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

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

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

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

14 A Correct.

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

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

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

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

1 Q You're saying that because they're
2 purportedly disconnected; is that correct?

3 A Correct.

4 Q Okay. And the panels that are in the center
5 part of the project all in a row are parallel to the
6 slope; are they not?

7 A Correct.

8 Q Okay. And when they're all angled at the
9 same angle, you can have a drip edge like you'd have
10 on a house without a gutter. And you're going to have
11 linear flow along the bottom of those panels. It's
12 not going to be sheet flow; is that correct?

13 A Just at the drip edge. You have to
14 understand that the topography is going to create
15 sheet flow. We do not have channelized flow
16 throughout this site.

17 Q Even on the areas where the edges of the
18 panel are parallel to the slope?

19 A You have to -- again, to understand:
20 Topography is where the sheet flow will be generated
21 as part of stormwater. It is not the drip edge. So
22 if you have a specific topography that does not create
23 channelized flow, you are managing better than what it
24 is -- what it is right now. The drip edge is not a
25 requirement as part of Connecticut DEEP.

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

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

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

10 A Correct.

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

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

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

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

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

1 afternoon.

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

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

9 THE VICE CHAIR: Certainly.

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

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

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

23 THE VICE CHAIR: Very good.

24 MR. CURTO: Thank you.

25 THE VICE CHAIR: Thank you.

1 MR. HOFFMAN: Mr. Morissette?

2 THE VICE CHAIR: Yes, Attorney Hoffman.

3 MR. HOFFMAN: If I may. If the Council
4 has cross-examination for either the Town of
5 Glastonbury's witnesses or for the intervenor,
6 Mr. Walsh, obviously, we'll have a continuation
7 hearing. But the petitioner is willing to waive any
8 cross-examination of either the Town of Glastonbury or
9 Mr. Walsh if the Council doesn't want to cross-examine
10 either witness.

11 THE VICE CHAIR: Very good. We'll take
12 that under consideration, and I'll have a discussion
13 with Attorney Bachman on how to proceed.

14 MR. HOFFMAN: Understood. We'd reserve
15 our rights if the Council cross-examines either
16 entity. But if there's no cross-examine from the --
17 cross-examination from the Council, we don't need to
18 have cross-examination ourselves.

19 THE VICE CHAIR: Very good.

20 MS. BACHMAN: Vice Chair Morissette, to
21 be clear --

22 Thank you, Mr. Hoffman.

23 We do have cross-examination for the
24 Town and Mr. Walsh because they do have exhibits that
25 would not be admitted into the record unless they were

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

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

6 And thank you, Attorney Hoffman.

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

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

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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

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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.



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