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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1698

LSE Lynx LLC (Lodestar Energy) petition for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the construction, maintenance and operation of a 4.65-megawatt AC solar photovoltaic electric generating facility and associated equipment located at 140 Nod Road, Simsbury, Connecticut, and associated electrical interconnection.

Public Hearing held on Thursday, April 23, 2026, beginning at 2 p.m., via Zoom.

H e l d B e f o r e :

JOHN MORISSETTE, Vice Chair

Reporter: Lisa L. Warner, CSR #061

1 A p p e a r a n c e s :

2

 Council Members:

3

 BRIAN GOLEMBIEWSKI

4

 Designee for Commissioner Katie Dykes,
 Department of Energy and
 Environmental Protection

5

6

 QUAT NGUYEN

7

 Designee for Chairman Elect Thomas Wiehl,
 Public Utilities Regulatory Authority

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 CHANCE CARTER

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 KHRISTINE HALL

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 DR. SCOTT C. WILLIAMS

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 DANIEL P. LYNCH, JR.

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 Council Staff:

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 MELANIE BACHMAN, ESQ.

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 Executive Director

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 ROBERT MERCIER

 Siting Analyst

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 DAKOTA LAFOUNTAIN

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 Administrative Support

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1 A p p e a r a n c e s : (Cont'd.)

2

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25

1 (The public hearing commenced at 2
2 p.m.)

3 THE VICE CHAIR: This public hearing is
4 called to order this Thursday, April 23, 2026, at
5 2 p.m. My name is John Morissette, Vice Chair of
6 the Connecticut Siting Council. Other members of
7 the Council are Khristine Hall, Chance Carter, Dr.
8 Scott Williams, William Syme and Daniel P. Lynch,
9 Jr., Brian Golembiewski, designee for Commissioner
10 Katie Dykes of the Department of Energy and
11 Environmental Protection, Quat Nguyen, designee
12 for Chairman Thomas Wiehl of the Public Utilities
13 Regulatory Authority.

14 Members of the staff are Executive
15 Director Melanie Bachman, Siting Analyst Robert
16 Mercier and Administrative Support Dakota
17 LaFountain.

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

21 This hearing is held pursuant to the
22 provisions of Title 16 of the Connecticut General
23 Statutes and of the Uniform Administrative
24 Procedure Act upon a petition from LSE Lynx LLC
25 (Lodestar Energy) for a declaratory ruling for the

1 construction, maintenance and operation of a
2 4.65-megawatt solar photovoltaic electric
3 generating facility and associated equipment
4 located at 140 Nod Road in Simsbury, Connecticut
5 and the associated electrical interconnection.
6 This petition was received by the Council on
7 December 4, 2025.

8 The Council's legal notice of the date
9 and time of this public hearing was published in
10 the Hartford Courant on February 11, 2026. Upon
11 this Council's request, the petitioner erected a
12 sign in the vicinity of the proposed site so as to
13 inform the public of the name of the petitioner,
14 the type of facility, the public hearing date, and
15 contact information for the Council including
16 website and phone number.

17 As a reminder to all, off-the-record
18 communication with a member of the Council or a
19 member of the Council's staff upon the merits of
20 this petition is prohibited by law.

21 The parties and intervenors to the
22 proceedings are as follows: The Petitioner LSE
23 Lynx LLC, also known as Lodestar Energy, its
24 representative Lee D. Hoffman, Esq., Kathryn E.
25 Boucher, Esq. and Liana Feinn, Esq. of Pullman &

1 Comley, LLC.

2 Party, Town of Simsbury, its
3 representative Robert M. DeCrescenzo, Esq. of
4 Updike, Kelly & Spellacy, P.C.

5 We will proceed in accordance with the
6 prepared agenda, a copy of which is available on
7 the Council's website, along with the record of
8 this matter, the public hearing date -- the public
9 hearing notice, instructions for public access to
10 this public hearing and the Council's Citizens
11 Guide to Siting Council Procedures. Interested
12 persons may join any session of this public
13 hearing to listen, but no public comments will be
14 received during the 2 p.m. evidentiary session.

15 At the end of the evidentiary session,
16 we will recess until 6:30 p.m. for the public
17 comment session. Please be advised that any
18 person may be removed from the evidentiary session
19 or the public comment session at the discretion of
20 the Council.

21 The 6:30 p.m. public comment session
22 will be reserved for members of the public who
23 signed up to make brief statements into the
24 record. I wish to note that the petitioner,
25 parties and intervenors, including their

1 representatives and witnesses, are not allowed to
2 participate in the public comment session.

3 I also wish to note for those who are
4 listening and for the benefit of your friends and
5 neighbors who are unable to join us for the public
6 comment session that you or they may send written
7 statements to the Council within 30 days of the
8 date hereof either by mail or by email, and such
9 written statements will be given the same weight
10 as if spoken during the public comment session.

11 A verbatim transcript of this public
12 hearing will be posted on the Council's website
13 and deposited with the Simsbury Town Clerk's
14 Office for the convenience of the public.

15 The Council will take a 10 to 15 minute
16 break at a convenient juncture at around 3:30 p.m.

17 We will now move on to administrative
18 notice taken by the Council. I call your
19 attention to those items shown on the hearing
20 program marked as Roman Numeral I-B, Items 1
21 through 103. Does the petitioner or any party or
22 intervenor have an objection to the items that the
23 Council has administratively noticed?

24 Attorney Hoffman, good afternoon.

25 (No response.)

1 THE VICE CHAIR: Attorney Hoffman?

2 ATTORNEY HOFFMAN: We were having mute
3 problems, Mr. Morissette, apologies. Good
4 afternoon, sir.

5 THE VICE CHAIR: Good afternoon.

6 ATTORNEY HOFFMAN: We have no
7 objections. Thank you.

8 THE VICE CHAIR: Very good. Thank you.
9 Attorney DeCrescenzo, good afternoon.

10 ATTORNEY DECRESCENZO: Good afternoon,
11 Mr. Morissette. The Town of Simsbury has no
12 objection.

13 THE VICE CHAIR: Very good. Thank you.
14 Accordingly, the Council hereby administratively
15 notices these existing documents.

16 (Administrative Notice Items I-B-1
17 through I-B-103: Received in evidence - noted in
18 index.)

19 THE VICE CHAIR: We'll now move on to
20 the appearance by the petitioner. Will the
21 petitioner present its witness panel for purposes
22 of taking the oath. We'll have Attorney Bachman
23 administer the oath.

24 Attorney Hoffman or Attorney Boucher,
25 please begin.

1 ATTORNEY HOFFMAN: Thank you, Mr.
2 Morissette. We have five witnesses today. We
3 have Jeff Macel and Sam Valone from Lodestar
4 Energy and then across the table from me we have
5 Steve Kochis, Chris Dubois and Sara Berryman from
6 VHB as our witness panel.

7 THE VICE CHAIR: Very good. Good
8 afternoon, everyone.

9 Attorney Bachman, please administer the
10 oath.

11 ATTORNEY BACHMAN: Thank you, Vice
12 Chair, Morissette. Could the witnesses please
13 raise their right hand.

14 J E F F R E Y M A C E L,
15 S A M V A L O N E,
16 S T E V E K O C H I S,
17 C H R I S D U B O I S,
18 S A R A B E R R Y M A N,

19 having been first duly sworn by Attorney
20 Bachman, testified on their oaths as follows:

21 ATTORNEY BACHMAN: Thank you.

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

24 Attorney Hoffman, please begin by
25 verifying all the exhibits by the appropriate

1 sworn witnesses.

2 ATTORNEY HOFFMAN: Thank you, Mr.
3 Morissette.

4 DIRECT EXAMINATION

5 ATTORNEY HOFFMAN: We have three
6 exhibits for identification purposes. They're
7 found in the hearing program Roman Numeral II,
8 Letter B. They are B-1, the Petition for
9 Declaratory Ruling, dated December 4th; B-2, the
10 responses to the interrogatories that the Council
11 issued, dated March 24, 2026; and the sign posting
12 affidavit of April 9, 2026, which is listed in
13 II-B-3.

14 And so I will go around the room. Mr.
15 Macel, are you familiar with the exhibits I just
16 listed in Roman Numeral II-B?

17 THE WITNESS (Macel): Yes.

18 ATTORNEY HOFFMAN: And did you prepare
19 or assist in the preparation of those exhibits?

20 THE WITNESS (Macel): I did.

21 ATTORNEY HOFFMAN: And are they
22 accurate to the best of your knowledge and belief?

23 THE WITNESS (Macel): They are.

24 ATTORNEY HOFFMAN: And do you have any
25 changes to them?

1 THE WITNESS (Macel): I do not.

2 ATTORNEY HOFFMAN: And do you adopt
3 them as your sworn testimony?

4 THE WITNESS (Macel): I do.

5 ATTORNEY HOFFMAN: Ms. Valone, the same
6 questions. Are you familiar with the exhibits
7 that are listed in Roman Numeral II-B?

8 THE WITNESS (Valone): Yes, I am.

9 ATTORNEY HOFFMAN: And did you prepare
10 or assist in the preparation of those exhibits?

11 THE WITNESS (Valone): Yes, I did.

12 ATTORNEY HOFFMAN: And are they
13 accurate to the best of your knowledge and belief?

14 THE WITNESS (Valone): Yes, they are.

15 ATTORNEY HOFFMAN: And do you have any
16 changes to those exhibits?

17 THE WITNESS (Valone): No, I do not.

18 ATTORNEY HOFFMAN: And do you adopt
19 them as your sworn testimony here today?

20 THE WITNESS (Valone): Yes, I do.

21 ATTORNEY HOFFMAN: Mr. Kochis, are you
22 familiar with the exhibits listed in Roman Numeral
23 II-B?

24 THE WITNESS (Kochis): Yes, I am.

25 ATTORNEY HOFFMAN: And are they

1 accurate to the best of your knowledge and belief?

2 THE WITNESS (Kochis): Yes, they are.

3 ATTORNEY HOFFMAN: And did you prepare
4 or assist in the preparation of those exhibits?

5 THE WITNESS (Kochis): Yes, I did.

6 ATTORNEY HOFFMAN: And do you have any
7 changes to those exhibits?

8 THE WITNESS (Kochis): No, I do not.

9 ATTORNEY HOFFMAN: And do you adopt
10 them as your testimony here today?

11 THE WITNESS (Kochis): Yes, I do.

12 ATTORNEY HOFFMAN: Mr. Dubois, sorry to
13 do this to you but the same questions. Are you
14 familiar with the exhibits listed in Roman Numeral
15 II-B?

16 THE WITNESS (Dubois): Yes, I am.

17 ATTORNEY HOFFMAN: And did you prepare
18 or assist in the preparation of those exhibits?

19 THE WITNESS (Dubois): Yes, I did.

20 ATTORNEY HOFFMAN: And are they
21 accurate to the best of your knowledge and belief?

22 THE WITNESS (Dubois): Yes, they are.

23 ATTORNEY HOFFMAN: And do you have any
24 changes to those exhibits?

25 THE WITNESS (Dubois): No, I do not.

1 ATTORNEY HOFFMAN: And do you adopt
2 them as your sworn testimony today?

3 THE WITNESS (Dubois): Yes, I do.

4 ATTORNEY HOFFMAN: Ms. Berryman, are
5 you familiar with the exhibits listed in Roman
6 Numeral II-B?

7 THE WITNESS (Berryman): Yes.

8 ATTORNEY HOFFMAN: And are they
9 accurate to the best of your knowledge and belief?

10 THE WITNESS (Berryman): Yes.

11 ATTORNEY HOFFMAN: And did you prepare
12 or assist in the preparation of those exhibits?

13 THE WITNESS (Berryman): Yes, I did.

14 ATTORNEY HOFFMAN: And do you have any
15 changes to those exhibits today?

16 THE WITNESS (Berryman): No.

17 ATTORNEY HOFFMAN: And do you adopt
18 them as your sworn testimony?

19 THE WITNESS (Berryman): Yes.

20 ATTORNEY HOFFMAN: Mr. Morissette, with
21 that, I would ask that those three exhibits be
22 moved as full exhibits for evidentiary purposes.

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

25 Does the Town of Simsbury object to the

1 admission of the petitioner's exhibits, Attorney
2 DeCrescenzo?

3 ATTORNEY DECRESCENZO: No objection,
4 Mr. Morissette.

5 THE VICE CHAIR: Thank you. The
6 exhibits are hereby admitted.

7 (Petitioner's Exhibits II-B-1 through
8 II-B-3: Received in evidence - described in
9 index.)

10 THE VICE CHAIR: We'll now begin with
11 cross-examination of the petitioner by the Council
12 starting with Mr. Mercier followed by Ms. Hall.

13 Mr. Mercier, good afternoon.

14 MR. MERCIER: Good afternoon. Thank
15 you.

16 CROSS-EXAMINATION

17 MR. MERCIER: I'm going to begin by
18 reviewing the responses to the Council
19 interrogatories, and I'm going to start with
20 Interrogatory Number 1. There's numerous bulleted
21 items on this response. And I'm going to go to
22 page 2 where it states bulleted item Floodplain
23 and Environmental Compliance. It essentially
24 states that 150 -- excuse me, 850 panels will be
25 removed from a portion of the floodplain area. I

1 didn't see any accompanying documentation that
2 stated if there was a reduction in the output or
3 would the panels be placed on another section of
4 the property. If someone could just clarify, are
5 the 850 panels permanently removed; and if so,
6 what would be the reduction in the output of the
7 facility?

8 THE WITNESS (Valone): This is Sam
9 Valone for the record. So that 850 panels will be
10 permanently removed. They will not be placed
11 elsewhere on the project. The AC size of the
12 project, 4.65 megawatts AC, will remain the same.
13 It's going to be the DC output of the project that
14 would shrink a little bit. So the new DC size is
15 6,450 kilowatts.

16 MR. MERCIER: Okay. Thank you. So
17 that reduction would not affect any of the Shared
18 Clean Energy Facility contract at all; is that
19 correct?

20 THE WITNESS (Valone): Correct. Yeah,
21 the Shared Clean Energy Facility contract is based
22 on the AC size, and that is not changing.

23 MR. MERCIER: In what manner -- how is
24 the AC side controlled? If you're removing 150
25 panels, why would the AC side not decrease? Is it

1 through the inverter level?

2 THE WITNESS (Valone): Yes, it's based
3 on the number of inverters. So the number of
4 inverters is staying the same which controls the
5 AC size.

6 MR. MERCIER: Okay. Thank you. I'm
7 going to move down to Interrogatory 21. This had
8 to do with potential agricultural co-use at the
9 site. In section E it mentioned that there might
10 be a bear fencing installed. I'm just wondering
11 if that was an electric style fence; and if so,
12 how would it be powered?

13 THE WITNESS (Valone): This is Sam
14 Valone for the record. I think I can pass this to
15 my colleagues at VHB to answer about the bear
16 fencing.

17 Sara or Steve, if you know.

18 I think it would be electric actually.
19 This is Sam Valone for the record. We'd have to
20 clarify, but I think usually it's an electric
21 fence.

22 MR. MERCIER: Okay. I'm just wondering
23 if it was by battery, but we can move on to
24 another item which would be Interrogatory 31.
25 This had to do with the interconnection agreement.

1 And just for the record, was the agreement
2 finalized at this point?

3 THE WITNESS (Valone): This is Sam
4 Valone for the record. So we are still waiting
5 for Eversource to countersign the agreement. And
6 they're just slow in their turnaround, but there's
7 no controversy over the agreement. They issued
8 the agreement and we signed. It just takes time
9 to get their signature.

10 MR. MERCIER: Thank you. I'm going to
11 move on to Interrogatory Number 70. This had to
12 do with views from the Heublein Tower on Talcott
13 Mountain. This essentially states, you know, from
14 the lookout portions of the actual tower itself
15 the facility would be visible. But, you know,
16 when you say that the visibility would extend
17 across the valley, just to confirm, there are
18 man-made structures up and down the valley. Is
19 that correct?

20 THE WITNESS (Valone): This is Sam
21 Valone for the record. Yes, there are structures
22 up and down the valley. There is housing and
23 apartments and other buildings. So yes, you can
24 see a wide variety of area from the top of that
25 tower.

1 MR. MERCIER: Thank you. I'm going to
2 move on to the revised site plans that were
3 attached to the interrogatory responses. I think
4 that was Exhibit 1. And I'm going to refer to
5 site plan C3.00, Grading, Drainage & Utility Plan.
6 And just to confirm, this layout here on Sheet
7 3.00, this is the revised site plan without the --
8 with the 850 panels removed; is that correct?

9 THE WITNESS (Valone): Sam Valone.
10 Yes, that's correct.

11 MR. MERCIER: And just looking at this
12 site plan, were the panels located on the
13 northwest section of the site between the current
14 fence line and the two stormwater basins?

15 THE WITNESS (Valone): Yes, exactly.

16 MR. MERCIER: Looking at the current
17 layout, I see the two detention basins, stormwater
18 detention basins that are proposed. They're set a
19 little farther back. They're actually in their
20 original location. Is that correct?

21 THE WITNESS (Valone): Yes, that is
22 correct, still in their original location. We did
23 not move them.

24 MR. MERCIER: Is there any advantage to
25 moving them closer to the perimeter fence, the

1 revised perimeter fence, or is the current
2 drainage pattern sufficient to control stormwater
3 on the site?

4 THE WITNESS (Valone): This is Sam
5 Valone. I'll pass that to Steve Kochis with VHB.

6 THE WITNESS (Kochis): Steve Kochis
7 here. We had kept them in the same locations, Mr.
8 Mercier, but I would say there wouldn't be
9 necessarily advantages or disadvantages to moving
10 them, but we would certainly be amenable to doing
11 so if it was the Council's preference.

12 MR. MERCIER: I was just wondering if
13 the redesign necessitated a new stormwater
14 analysis that would require a modification either
15 in the size or location of the two basins.

16 THE WITNESS (Kochis): Steve Kochis
17 again. So the basins are generally sized due to
18 the amount of panels that we're putting here
19 looking at this site in an existing form as grass
20 and in a proposed form as grass with the loss of a
21 half a Hydrologic Soil Group due to Stormwater
22 General Permit guidance. With us peeling the
23 project back, the way the project is designed at
24 this very moment and on those plans that you're
25 referencing dated in March 2026, essentially the

1 basins are oversized to what they really need to
2 be. So, in theory with the smaller footprint of
3 solar panels, we could move -- we would be able to
4 move the basins back and, in fact, even make them
5 a tad bit smaller.

6 MR. MERCIER: Okay. Thank you. If
7 they were kept in their location shown on this
8 diagram, there's a small knoll between the two.
9 Would that knoll have to be removed? I believe
10 the original site plans had panels on that area,
11 so I wasn't sure if that was supposed to be graded
12 down to improve drainage or not.

13 THE WITNESS (Kochis): This is Steve
14 Kochis. I'll field that one unless Sam or Jeff
15 want to jump over me. But I think the
16 anticipation would be that we would not have to
17 grade that knoll anymore. It could stay the way
18 it is. It wouldn't be affected by the
19 implementation of the stormwater basins, and we
20 wouldn't have any development there that would
21 necessitate grading it down. So in the interest
22 of keeping the existing site as natural and
23 organic as it is today, I think the preference
24 would be to just keep that knoll the way it is.

25 MR. MERCIER: Thank you. You know,

1 reading the earlier response, 850 panels equated
2 to about 1.25 acres area. Now, would the trees
3 that were originally scheduled to be removed
4 accommodate the 850 acres, will they stay in place
5 now -- I see a few between the two basins and
6 maybe closer to the fence line -- or is the intent
7 to still remove all the trees that were originally
8 proposed to be removed?

9 THE WITNESS (Kochis): This is Steve
10 Kochis. I can field that one too. You know, I
11 think to your point, Mr. Mercier, there's a very
12 small amount of trees across most of the site just
13 being hedge rows from the existing golf course,
14 but I would have every reason to think, again,
15 allowing Sam and Jeff to jump over me, if they
16 prefer, but that the interest would be to keep
17 those existing trees that are outside of our
18 development. And furthermore, any trees that are
19 up there to the north of the facility wouldn't
20 necessarily be shading the facility because they'd
21 be to the north side of the facility, so they
22 wouldn't really -- there wouldn't even really be
23 benefits to removing them for shading purposes
24 either.

25 MR. MERCIER: Thank you. I just

1 mentioned some of the clearing at the site, and I
2 believe the total was 2.5 acres initially. So
3 just to confirm, those are trees that are
4 essentially fairway buffers or small stands of
5 trees, there's no like contiguous forest areas
6 being cleared. Is that correct?

7 THE WITNESS (Kochis): This is Steve
8 Kochis. That's correct. And, in fact, I will
9 certainly say that that 2.5 acres was probably a
10 fairly conservative estimate given that there's
11 just a handful of hedge rows that we're clearing.
12 And we're entirely out of the core forest that
13 exists to the north side of our site. The only
14 trees we're taking down are single line hedge rows
15 there.

16 So it sounded like maybe we should get
17 a new estimate for the tree clearing. I'm not
18 sure what would end up being the avenue to get
19 that to the Council, but we can see what the
20 reduction in tree clearing would be as part of
21 this new site plan.

22 MR. MERCIER: Thank you. As for site
23 grading, I'm looking over towards the two
24 electrical pads on the left of the sheet. There's
25 a sharp, small hill just based on the contours.

1 Will that area have to be regraded and smoothed
2 out in addition to maybe some other sand trap
3 areas and asphalt driveway areas, will those areas
4 have to have significant grading?

5 THE WITNESS (Kochis): This is Steve
6 Kochis. I'll start the response again here.
7 There probably is a little fine grading required
8 in that area of the equipment pads and for the
9 modules themselves as well. I don't believe we
10 show any of it -- and I wouldn't consider any of
11 that to be significant. The slopes that we're
12 dealing with along that band that runs through the
13 proposed equipment pads probably is just a tad
14 over, like 20 to 25 percent, and we would
15 typically want to grade it down to be in the 15 to
16 20 percent range.

17 MR. MERCIER: Okay. Looking at the
18 wetland buffer areas, over by the two northwest
19 detention basins, you know, there's a buffer area
20 beyond the northwest detention basin and one along
21 the, I'll call it the north fence line. Is that
22 area within your lease so that you'd have to
23 maintain the buffer areas, the vegetation inside,
24 or is that outside your lease and responsibility?

25 THE WITNESS (Valone): This is Sam

1 Valone speaking. Our lease area just wraps right
2 to the north side of those two stormwater basins,
3 so it would not include those buffer areas. But
4 if that's something that the Siting Council would
5 want us to do, we can certainly discuss with the
6 landowner about maintaining those buffers.

7 MR. MERCIER: Okay. Thank you. I'm
8 just wondering the boundary. Thank you for that
9 response.

10 I'm going to move on to Sheet L1.00,
11 this is the Landscape Plan. I see the landscaping
12 along Nod Road. In looking at the plan, there's,
13 it looks like a small walkway running parallel to
14 Nod Road. Is that a town maintained walkway or is
15 that an old golf cart path?

16 THE WITNESS (Valone): This is Sam
17 Valone for the record. I believe that this is a
18 town-owned path. I don't know if, Jeff Macel, if
19 you know better.

20 THE WITNESS (Macel): Could you point
21 out more specifically on the -- that is all
22 part -- yeah, so this is Jeff Macel with Lodestar
23 Energy. That is all part of the golf course, so
24 that's not owned by the town.

25 MR. MERCIER: Okay. It just runs from

1 the clubhouse basically north?

2 THE WITNESS (Macel): Correct.

3 MR. MERCIER: Okay. I guess my
4 question was going to be, would the plantings,
5 given their density, crowd out that walkway, but
6 if it's not a town maintained area, it's up to the
7 landowner. Is Lodestar responsible for the
8 maintenance of the vegetation along Nod Avenue?

9 THE WITNESS (Valone): This is Sam
10 Valone. Yes, we would be responsible for the
11 maintenance of all that vegetative screening along
12 Nod Road.

13 MR. MERCIER: Thank you. I had a
14 question about the black vinyl fencing that's
15 related to interrogatory I believe 72. It
16 essentially said that the black vinyl fencing will
17 be installed facing Nod Road. Just looking at the
18 site plan, the fencing is kind of irregular. I
19 didn't see a call-out as to what sections of the
20 fence would add the black vinyl coating. So if
21 someone could just clarify. Is it going to be
22 parallel to Nod Road or other sections that kind
23 of are in view of Nod Road?

24 THE WITNESS (Valone): This is Sam
25 Valone speaking -- and Steve feel free to correct

1 me -- but I believe that the mesh fencing that
2 you're talking about will be all the way along Nod
3 Road, so on the entire western perimeter.

4 MR. MERCIER: Okay. So looking at this
5 towards the stormwater basin, it's kind of like
6 northwest, so it wouldn't be in that section, just
7 basically the western line, I'll call it?

8 THE WITNESS (Valone): Steve, do you
9 know if we have an ending point?

10 THE WITNESS (Kochis): This is Steve
11 Kochis. I would figure that -- we'll need to
12 clarify this further, but I would figure that the
13 black privacy fence -- sorry, the black privacy
14 fabric would really go on any parts of the fence
15 that would be visible from Nod Road.

16 MR. MERCIER: Thank you. I'm going to
17 move on to interrogatory response -- it was
18 Exhibit 13. This was a two-page document, one was
19 the compensatory flood storage calculation, and
20 the second page had a diagram of different flood
21 levels. I'm going to look at the page 2 of the
22 document which has the color coded different flood
23 levels. Can someone just explain as to what
24 you're trying to show with this particular
25 exhibit?

1 THE WITNESS (Valone): This is Sam
2 Valone. I'll pass this to Steve Kochis.

3 THE WITNESS (Kochis): This is Steve
4 Kochis. That would be, the colors that are shown
5 on the map and referenced in the elevations table
6 would be the expected flood inundation levels on
7 the existing ground. So, for example, the cyan
8 color, which is represented to be zero and 2 foot
9 elevations, in a 100-year rainfall event, flood
10 event those areas would be expected to have
11 between zero and 2 feet of flood inundation.

12 MR. MERCIER: Okay. The panels on this
13 map, does that correlate to the revised site plan?

14 THE WITNESS (Kochis): This is Steve
15 Kochis. Yes, they do. And to add some color
16 there with where I think your line of questioning
17 might be going, the idea is that the modules that
18 are within any of these colored hatched areas will
19 be raised up with additional racking steel to be
20 more than a foot above the base flood elevations
21 that are shown.

22 MR. MERCIER: Yes, I saw that. I
23 couldn't tell looking at the arrow designations,
24 you have Section A-A and Section B-B, as to what
25 height. For example, Section A-A has a 5-foot

1 flood elevation and an additional foot. Section
2 B-B has I think 1.8 and then another foot. So is
3 there going to be a boundary between those two
4 types of racking systems or is it more of a
5 gradual thing, like one will have -- like the
6 green layer is not really identified as to what
7 would be there.

8 THE WITNESS (Kochis): This is Steve
9 Kochis. I'll take this one even though Sam might
10 have wanted to. But the idea is that it's going
11 to -- this kind of thing we've done it on a number
12 of other sites. It's on a post-by-post basis. So
13 we're going to look at each post when we
14 ultimately have to do racking designs with the
15 manufacturers, and each individual post will be
16 tailored to be a certain height above ground to
17 ensure that the module, the leading edge of the
18 modules is at least a foot above flood elevation.

19 I'm just thinking it out here, but the
20 way that it's essentially going to work is that
21 any of the modules that are in the flood area with
22 the flood water being a consistent water surface
23 elevation here, all the modules would end up at
24 the same elevation, and then you would just -- so
25 you'd be tailoring the post elevations to achieve

1 that.

2 MR. MERCIER: Okay. Thank you. I have
3 no other questions. Thank you.

4 THE VICE CHAIR: Thank you, Mr.
5 Mercier. We'll now continue cross-examination of
6 the petitioner by Ms. Hall followed by Mr. Carter.

7 Ms. Hall, good afternoon. You're on
8 mute, Ms. Hall. There you go.

9 MS. HALL: Thank you. Just a few
10 questions. The landscaping plan has blueberry
11 bushes. I think this is the first time I've seen
12 blueberry bushes in a landscaping plan, and I'm
13 just wondering why blueberry bushes. Is it to
14 provide food for wildlife? Are you expecting to
15 harvest blueberries? Why blueberry bushes?

16 THE WITNESS (Valone): This is Sam
17 Valone for the record. The reason is I would say
18 we are going to harvest the wildflowers as well as
19 potentially harvest the blueberries. We're open
20 to other plantings though. If the Simsbury
21 Conservation Commission has another
22 recommendation, we're certainly open to other
23 plantings.

24 And Sara, feel free to jump in if I
25 missed anything.

1 THE WITNESS (Berryman): This is Sara
2 Berryman, VHB. Yeah, I think we talked about that
3 possibly considering some other species as well.

4 MS. HALL: Okay. I mean, if you can
5 harvest the blueberries, I think that's great. I
6 think that's great. But obviously if local
7 authorities would like to see something different,
8 I would hope that you would have those
9 discussions.

10 Speaking of the Conservation
11 Commission, I noticed in the interrogatories that
12 there was a meeting on April 6th that you were
13 planning to attend. Did you attend that meeting
14 and did you receive any feedback?

15 THE WITNESS (Valone): This is Sam
16 Valone for the record. Yes, we did attend that
17 meeting. We did receive some feedback. There
18 were some alternative plantings that the
19 Conservation Commission wished to see. They also
20 were hoping that we would remove the apiary on
21 site. So we told them that we are certainly open
22 to any of those recommendations. We just have to
23 make those edits in our agricultural plan and get
24 that approved by the Department of Agriculture
25 since our current plan was already approved by

1 them. So we want to make sure any changes are
2 acknowledged and approved by the Department of Ag.

3 MS. HALL: And the reason for removing
4 the apiaries is because the bees are not native?

5 THE WITNESS (Valone): Correct, yes.

6 MS. HALL: Okay. Other than the fact
7 that you've had this approved by the Department of
8 Agriculture and it is something that we normally
9 often see -- I wouldn't say normally -- often see
10 as part of an agricultural approach to some of
11 these projects, is there a reason for keeping the
12 apiaries, the bees?

13 THE WITNESS (Valone): This is Sam
14 Valone speaking. I think we're comfortable with
15 or without it. I think that the Department of
16 Agriculture often recommends it, and we have a
17 landscaper out of Enfield who we consulted with,
18 and he also recommended having one. One of the
19 owners of our company, Jaime Smith, is also a
20 beekeeper, so it was just something we were
21 considering but certainly is not necessary.

22 MS. HALL: Okay. Thank you for that.
23 Thank you for your discussion of water supply.
24 You probably know that this is an issue of mine.
25 And I would just encourage you to continue to talk

1 directly to the fire department about what kind of
2 water supply approaches they may need. You did
3 note -- did mention that they've got a 3,500
4 gallon tanker. I know our local fire department
5 has -- which is also a volunteer fire
6 department -- has other approaches, including
7 portable ponds and that sort of thing. Given that
8 we're about to enter into the dry season and that
9 wildfires are already starting down south, I hope
10 that this is an area that you will continue to
11 have discussions with the local fire department to
12 make sure that they have adequate means to address
13 any brush fires that might pop up.

14 THE WITNESS (Valone): Yes, we'll
15 continue to talk to the local fire department.

16 MS. HALL: Thank you. The Heublein
17 Tower -- I'm not sure if that's how you pronounce
18 it -- I've not had the pleasure of visiting, and I
19 notice that there was one photo from probably the
20 lower level of that tower looking out across and
21 locating where the proposed facility is going to
22 be. I did not see anything from higher up. I
23 assume people are allowed further up the tower and
24 that higher up the tower there might be a little
25 different perspective on the facility. Is that

1 correct?

2 THE WITNESS (Valone): This is Sam
3 Valone. Yes, so at certain points of the year you
4 are allowed to go up to the top of the tower. At
5 this point in the year it is closed; however, in
6 the summertime it will be open again. We do
7 expect there to be some sort of visibility of the
8 site from the top of the tower just granted, just
9 because of the topography, you can see for a very
10 long distance.

11 MS. HALL: Thank you for that. And I
12 agree with Mr. Mercier that from that perspective
13 there are, a whole lot of man-made structures are
14 visible. That's all my questions for now. Thank
15 you.

16 THE VICE CHAIR: We'll continue with
17 cross-examination of the petitioner by Mr. Carter
18 followed by Dr. Williams.

19 Mr. Carter, good afternoon.

20 MR. CARTER: Good afternoon, Mr. Vice
21 Chair. Can you hear me all right?

22 THE VICE CHAIR: Yes, I can. Thank
23 you.

24 MR. CARTER: Great. Sorry, I'm
25 currently on a train, so I'm hoping we don't get

1 interrupted by horns, but I will be quick. I want
2 to thank Mr. Mercier and Ms. Hall for their
3 questions. Because of their questions, I don't
4 have anything to add, so thank you.

5 THE VICE CHAIR: Thank you, Mr. Carter.
6 We'll now continue with cross-examination by Dr.
7 Williams followed by Mr. Golembiewski.

8 Dr. Williams, good afternoon.

9 DR. WILLIAMS: Good afternoon. I just
10 had a question pertaining to something that was
11 discussed earlier. I think it was a misstatement,
12 but just try to clarify for the record. I think
13 it was stated that 2.5 acres was a conservative
14 estimate for tree clearing. I think the applicant
15 meant an overestimate, hopefully.

16 THE WITNESS (Valone): I'll give that
17 to Steve Kochis.

18 THE WITNESS (Kochis): Yes. This is
19 Steve Kochis. I was trying to say that the
20 number, the actual acreage of tree clearing is
21 probably lower than the 2.5 acres that we
22 estimated.

23 DR. WILLIAMS: So we can expect 2.5 as
24 the maximum?

25 THE WITNESS (Kochis): Yes. This is

1 Steve Kochis. Yes, that's correct.

2 DR. WILLIAMS: Very good. Thank you.
3 That's all I have.

4 THE VICE CHAIR: Thank you, Dr.
5 Williams. We'll now continue with
6 cross-examination by Mr. Golembiewski followed by
7 Mr. Nguyen.

8 Mr. Golembiewski, good afternoon.

9 MR. GOLEMBIEWSKI: Good afternoon, Vice
10 Chair. I have a couple of questions.

11 First, I want to -- I have a few
12 questions on the wildlife protection plan as shown
13 on revised plan, Sheet C4.00. I know NDDB
14 recommended having a qualified herpetologist on
15 site, and I just wanted to ask just for my
16 edification how do you guys handle that, that
17 requirement?

18 THE WITNESS (Valone): This is Sam
19 Valone. I think I can pass that to Steve Kochis
20 who can talk a bit more about that.

21 THE WITNESS (Kochis): This is Steve
22 Kochis. I'll field that one. I would say, you
23 know, we're not strangers to seeing turtles and
24 other herpetological species on these projects.
25 Oftentimes when we get that requirement from the

1 Wildlife Division to provide the herpetologist,
2 the way it will traditionally work is that -- and
3 we've worked this out through the Wildlife
4 Division on other projects that have gone through
5 construction -- is that we will have a
6 herpetologist on site for every single hour that
7 construction is taking place until the perimeter
8 fence is up, at which point it just becomes
9 periodic checks that the perimeter silt fence is
10 up and doesn't have any gaps that herpetological
11 species can come through, so just doing periodic
12 sweeps at that point and checks of the perimeter
13 fence because that really becomes the barrier once
14 the site area is cleared of hibernating or nesting
15 species and once that fence is up.

16 MR. GOLEMBIEWSKI: Okay. So you
17 directly contract with them and they're not a sub
18 to the contractor who's doing the actual site work
19 and array installation?

20 THE WITNESS (Kochis): This is Steve
21 Kochis. I was going to see if Sam or Jeff wanted
22 to take it, but in general, VHB would have the
23 herpetology folks on staff, and we would be hired
24 by whoever it is that is constructing the project
25 to perform those sweeps and coordinate with the

1 construction team.

2 MR. GOLEMBIEWSKI: Okay. Then my next
3 question is, on the next sheet there is a detail
4 for E-Fence Wildlife Exclusion. Is that also your
5 silt fence, is that both?

6 THE WITNESS (Kochis): This is Steve
7 Kochis. So that admittedly was something -- the
8 appropriation of E-Fence was admittedly something
9 that I started doing on my design projects a
10 number of years ago. The idea is that it's just
11 placed downhill of the stormwater basin outfalls,
12 and the silt fence would have a capacity to hold
13 back the water coming out of the stormwater basins
14 which should presume to be clean because that's
15 the goal of the sediment traps.

16 So, by using the E-fence, which will
17 provide the wildlife protection clearly that we're
18 looking for, but it's a larger, it's got larger
19 holes than the silt fence which will allow the
20 water to go through easier rather than it being
21 backed up by the silt fence on the downhill side
22 of the stormwater basin. So it will serve the
23 same wildlife function and improve the stormwater
24 functioning of the site during construction.

25 MR. GOLEMBIEWSKI: Okay. So let me

1 make sure I understand what you just said.

2 E-Fencing would be used around the sedimentation
3 detention basins?

4 THE WITNESS (Kochis): This is Steve
5 Kochis. It's intended to be used immediately at
6 the riprap spillway location of the stormwater
7 basins.

8 MR. GOLEMBIEWSKI: Okay. And then when
9 the term exclusionary practices or fences is used,
10 for the perimeter the silt fence will serve as
11 that provided it meets the 20-inch height
12 requirement?

13 THE WITNESS (Kochis): This is Steve
14 Kochis. That's correct. And just to give the
15 precedent, the silt fence and the E-Fence are
16 both, provided they are the proper height, have
17 both been deemed to be acceptable wildlife
18 exclusionary practices by the CT DEEP Wildlife
19 Division.

20 MR. GOLEMBIEWSKI: Okay. As I read
21 through the wildlife protection, I noticed also
22 that there -- you know, based on what you said
23 that once the exclusionary fencing is going to be
24 complete then the contract -- then there would be
25 some type of periodic inspections. What's the

1 normal period between inspections at that point?

2 THE WITNESS (Kochis): This is Steve
3 Kochis. I would say a wildlife biologist would be
4 on site. It depends on the site. We would call
5 it maybe once a month. But in tandem to that, as
6 part of this project and seeking the Stormwater
7 Construction General Permit that this project will
8 need, there will also be a third-party inspector
9 for the erosion controls who will be redundant in
10 confirming that the silt fence is up and
11 operational with no holes in it as well. So that
12 kind of is a secondary measure to ensure that the
13 wildlife exclusionary fences remain in good
14 operational condition.

15 MR. GOLEMBIEWSKI: Okay. As I look,
16 also there's recommended protection strategies for
17 tree roosting bats. The last bullet says that
18 trees greater than 3 inch DBH should not be
19 removed between May 1st and September 1st. Is
20 that in regards to the trees that need to be
21 cleared for the array areas or the project areas?

22 THE WITNESS (Kochis): This is Steve
23 Kochis. Yes, I think the broad assumption would
24 be that it would apply to any trees we would need
25 to take down for this project.

1 MR. GOLEMBIEWSKI: Okay. And is that
2 parroted somewhere else in the construction
3 sequence methodology anywhere else in the plans?

4 THE WITNESS (Kochis): This is Steve
5 Kochis. I probably just need a second to check
6 that. But what I can tell you is that it would
7 absolutely end up in the Stormwater Pollution
8 Prevention Plan for the project that we would need
9 to have approved through CT DEEP.

10 MR. GOLEMBIEWSKI: Okay. I guess at
11 this point, I'm going to move on to a basic
12 question on the Spill Prevention and Response
13 Plan. As I read it, it sounds like it would be
14 the contractor's responsibility to essentially
15 implement and comply with it. Is that correct?

16 THE WITNESS (Valone): This is Sam
17 Valone. Yes, it would be.

18 MR. GOLEMBIEWSKI: Okay. And is that
19 specifically cited in your contract with them that
20 they are the responsible party for this?

21 THE WITNESS (Valone): This is Sam
22 Valone. I can pass that to Jeff Macel if we have
23 a contract with our contractors with our Spill
24 Prevention Plan in it.

25 THE WITNESS (Macel): Yes. This is

1 Jeff Macel with Lodestar Energy. And yes, that is
2 correct, we have a provision in our contract with
3 our contractor which sets that forth.

4 MR. GOLEMBIEWSKI: Okay. And in this
5 case, I mean, we're in an aquifer protection area,
6 so I'm guessing, you know, that they would know
7 that fact also.

8 THE WITNESS (Macel): That's correct.

9 MR. GOLEMBIEWSKI: Okay. I had one
10 other question, and it's Exhibit 5 of the
11 additional documents submitted with the response
12 to interrogatories. The Operations, Maintenance
13 and Emergency Response Plan, it says here, upon
14 completion of the project the petitioner will
15 enter into a third-party Operations and
16 Maintenance agreement with an experienced O&M
17 provider.

18 So basically you subcontract out that,
19 I guess that requirement or that implementation of
20 this plan?

21 THE WITNESS (Valone): This is Sam
22 Valone. Yes, we usually subcontract it to a
23 third-party who's an operations and maintenance
24 specialist who will check on the site every few
25 months or come to the site if there's a problem.

1 MR. GOLEMBIEWSKI: Okay. And as part
2 of that, they are contracted to remotely monitor
3 the site?

4 THE WITNESS (Valone): Yes.

5 MR. GOLEMBIEWSKI: Okay. I had another
6 question. The arrays that are within the A -- the
7 FEMA AE zone, the FEMA calculations that you
8 provided, let's see, Exhibit 13. And as I look at
9 Section A-A and B-B and I see the FEMA flood
10 elevation, is that one foot above the base flood
11 elevation or is that the actual FEMA 100 foot --
12 or 100-year elevation?

13 THE WITNESS (Valone): This is Sam
14 Valone. I'll give that to Steve Kochis.

15 THE WITNESS (Kochis): This is Steve
16 Kochis. The elevations I'll clarify. The
17 elevations that you see on the map are the true
18 water surface elevations of the flood. So that
19 essentially we would need to be a foot above that.

20 So if the cyan is going up to 2 feet,
21 that would expect 2 feet of flood inundation
22 waters, and our leading edge of modules would need
23 to be 3 feet above grade.

24 I will add, Mr. Mercier, that this -- I
25 hope I'm using the word correctly here in saying

1 conservatively, but this analysis also considered
2 the higher preliminary 100-year floodplain
3 elevation that FEMA has available but is not in
4 effect at this time. And just to speak in
5 generalities, that FEMA floodplain is about 1.1
6 feet higher than the in-place FEMA 100-year flood
7 hazard elevation today. So we have also taken
8 into consideration a potential future increase in
9 heights that FEMA has under consideration at this
10 moment.

11 MR. GOLEMBIEWSKI: Okay. My other
12 question is, as I look at these cross-sections,
13 the actual electrical components are under the
14 panel. Where would they actually be in these
15 cross-sections, at the top of the panel, I guess
16 if you want to call it the wiring?

17 THE WITNESS (Valone): This is Sam
18 Valone. They wouldn't go any lower than the
19 leading edge of the panels, so the lower side of
20 the panel. And again, the leading edge of the
21 panel will be 3 feet above the base flood
22 elevation, so all the wires would be 3 feet above
23 the base flood elevation too.

24 MR. GOLEMBIEWSKI: Okay.

25 THE WITNESS (Kochis): Mr. Mercier,

1 I'll -- sorry, not Mr. Mercier. Mr. Golembiewski,
2 I will add some color there. This is Steve
3 Kochis. I think it will ultimately depend on the
4 final racking manufacturer and design, but I would
5 say typically for most racking that we see it
6 contains trays as part of the pieces of steel that
7 run the lengthwise of the modules which allows for
8 the cables to be installed in those trays, and
9 that's how it gets held to the underside of the
10 panels.

11 MR. GOLEMBIEWSKI: Okay. And then just
12 one last question on this. Because you have
13 arrays, you know, within this AE zone, do you need
14 to do anything additionally in monitoring whether
15 it's the ground surface or the infrastructure?

16 THE WITNESS (Valone): This is Sam
17 Valone. I can pass that to Steve Kochis.

18 THE WITNESS (Kochis): This is Steve
19 Kochis. I was actually going to pass it back to
20 you. Sorry.

21 (Laughter.)

22 MR. GOLEMBIEWSKI: I don't want it.

23 THE WITNESS (Kochis): I just don't get
24 into the O&M of the thing.

25 THE WITNESS (Valone): This is Sam

1 Valone. We have special flood insurance, and it
2 requires that just the leading edge is 3 feet
3 above the base flood elevation, and it requires
4 that the large equipment pads with the
5 transformers and inverters on them are outside of
6 the floodplain. So we comply with all of that.
7 Other than that, I'm not aware of any specific
8 requirements.

9 Jeff Macel, if you have anything to
10 add, feel free to jump in.

11 THE WITNESS (Macel): So this is Jeff
12 Macel with Lodestar Energy. We work extensively
13 with the Travelers here in Connecticut who insure
14 all of our facilities. And they have looked at
15 this extensively both with their modeling tools.
16 They have a renewable energy center here in
17 Connecticut where they look nationwide at all the
18 facilities that they service. And so there's no
19 specific monitoring that we do for the ground that
20 is in that flood area, just we ensure that all
21 components are elevated and located outside of the
22 floodplain at least 3 feet above a base flood
23 elevation.

24 MR. GOLEMBIEWSKI: Okay. All right.
25 Thank you.

1 Vice Chair, that's all I have. Thank
2 you.

3 THE VICE CHAIR: Thank you, Mr.
4 Golembiewski. We'll now continue with
5 cross-examination of the petitioner by Mr. Nguyen
6 followed by Mr. Syme.

7 Mr. Nguyen, good afternoon.

8 (No response.)

9 THE VICE CHAIR: Mr. Nguyen, good
10 afternoon.

11 (No response.)

12 THE VICE CHAIR: Okay. We'll come back
13 to Mr. Nguyen. We'll now continue with
14 cross-examination by Mr. Syme followed by Mr.
15 Lynch.

16 Mr. Syme, good afternoon.

17 MR. SYME: Good afternoon, everybody.
18 I don't have any questions right now. I've
19 reviewed everything, looked over the revised
20 plans. I think removing those panels from the
21 floodplain was a good idea. And at this time, you
22 know, some of my concerns have already been
23 addressed, so I'll pass. Thank you.

24 THE VICE CHAIR: Thank you, Mr. Syme.
25 We'll now continue with cross-examination by Mr.

1 Lynch followed by myself.

2 Mr. Lynch, good afternoon.

3 MR. LYNCH: Can you hear me, Mr.
4 Morissette?

5 THE VICE CHAIR: I can. Thank you.

6 MR. LYNCH: My first question has to do
7 with the -- I think it's more of a legal question,
8 but I just want to clarify that if the property is
9 sold or the certificate is transferred that that
10 is all going to be like in kind, there's going to
11 be no changes?

12 THE WITNESS (Valone): This is Sam
13 Valone. Yes, so the lease agreement that we have
14 with the landowner stays with the land even in the
15 event of a sale, correct.

16 MR. LYNCH: And would the sale, let's
17 say it's a sale or transfer, once it -- would that
18 have to come back to the Council for their
19 approval?

20 THE WITNESS (Valone): This is Sam
21 Valone. Not that I'm aware of, if the property
22 owner decides to sell it to another party, but I'm
23 not exactly sure.

24 MR. LYNCH: All right. Now, the
25 distribution to Eversource is 23 kV. Now, will

1 that stay on Eversource's distribution system or
2 once it gets to the substation will it be stepped
3 up to 115 or 345?

4 THE WITNESS (Valone): This is Sam
5 Valone. It is likely that once it gets to the
6 substation it will step up to a higher voltage.
7 I'm not familiar with that exact voltage at that
8 substation, but typically yes the voltages are
9 stepped up.

10 MR. LYNCH: All right. Thank you. I
11 was curious about that.

12 Now, in the event that a panel is
13 damaged or destroyed, to go to your
14 decommissioning plan after 20 years, what do
15 you -- how are the panels, because I know they
16 can't go into landfills, how are they, how do you
17 get rid of them? And on your decommission plan
18 your non-recyclables how are they handled if they
19 can't go into a landfill?

20 THE WITNESS (Valone): This is Sam
21 Valone. I think Jeff Macel from my team might be
22 able to explain a little bit more about that
23 process.

24 THE WITNESS (Macel): Yes. So this is
25 Jeff Macel from Lodestar Energy. As part of this

1 project, we will be issuing and entering into a
2 decommissioning bond for decommissioning of the
3 facility. All modules are removed at end of life
4 and recycled through licensed recyclers. So the
5 lead, the polysilicon, the aluminum is all
6 recycled through those licensed recyclers.

7 MR. LYNCH: And those licensed
8 recyclers deal with non-recyclables also like your
9 inverters and your panels?

10 THE WITNESS (Macel): This is Jeff
11 Macel from Lodestar. The modules are recyclable.
12 The materials in there, as I mentioned, are
13 recyclable. The inverters also have recyclable
14 components as well. They are standard electrical
15 hardware that we have in most of our buildings.
16 So, to my knowledge, these modules have no
17 non-recyclable components.

18 As has been our practice with the
19 Connecticut Siting Council, we also submit a TCLP
20 report, which is a toxicity leachate protocol
21 report, that lists all the materials that are
22 included in the modules.

23 MR. LYNCH: All right. Thank you.

24 Now, just going back to the fire
25 prevention for a minute, have you spoken with -- I

1 mean, have you given -- have you asked the
2 volunteer fire department of Simsbury what they
3 might need to fight a grass or an electrical fire?

4 THE WITNESS (Valone): This is Sam
5 Valone. We have not consulted directly yet with
6 the Simsbury Fire Department, but we plan to do so
7 prior to construction.

8 MR. LYNCH: Are you planning on
9 consulting them?

10 THE WITNESS (Valone): Yes.

11 MR. LYNCH: Now, I forget what question
12 it is, I think it's Interrogatory 35, 36, where
13 you have an outage at the facility. I'm a little
14 confused on how the inverters are going to protect
15 the property from being damaged -- I mean from the
16 outage. Because I guess if people go out, even
17 during an outage, those panels are still hot and
18 there's electricity in that. How are the
19 inverters going to prevent any injuries?

20 THE WITNESS (Valone): This is Sam
21 Valone. One second, I'm looking through the
22 interrogatory responses.

23 MR. LYNCH: I think it's 35. It
24 explains the outage, if the whole facility goes
25 down for an outage.

1 THE WITNESS (Valone): I believe this
2 may be referring to Question 36. And you can
3 essentially switch off the AC to DC disconnects at
4 the inverter level. So even though the panels may
5 still be active past the inverters, it's not
6 giving, it's not feeding any electricity to the
7 3-phase power on the street, if that makes sense.

8 MR. LYNCH: So there's still power
9 within the site, even though if there's an outage
10 from Eversource. Is that what you're telling me?

11 THE WITNESS (Valone): Yes, I believe
12 so.

13 MR. LYNCH: All right. Now, I've got
14 another question, more of a curiosity question
15 going back to the fire prevention. Has your
16 company or any of the companies that you know that
17 provide solar farms, have they ever decided that
18 they could go to the fire academy at Bradley Field
19 and run courses on how to deal with these
20 electrical fires from the panels, has anyone ever
21 thought of that?

22 THE WITNESS (Valone): This is Sam
23 Valone. I could pass that to Jeff Macel.

24 THE WITNESS (Macel): Thank you. This
25 is Jeff Macel with Lodestar Energy. We have not

1 actually explored that, but it is something that
2 we would like to raise with the Travelers who, as
3 I mentioned, works extensively in this area. And
4 their facility is in Windsor Locks, so I suspect
5 that they have run some of these experiments. And
6 I will take it on that we ask them and get back to
7 the Council with what they're able to provide to
8 us.

9 MR. LYNCH: Thank you. Like I said,
10 for me it was more of a curiosity question. I
11 think it would be very helpful to run courses at
12 the Fire Academy.

13 Mr. Morissette, those are all my
14 questions.

15 THE VICE CHAIR: Good afternoon, panel.
16 My first question relates to the landscaping plan
17 and whether the vegetative screening on Nod Road,
18 is that within the leased area?

19 THE WITNESS (Valone): This is Sam
20 Valone. Most of the screening, yes, is within the
21 lease area. I believe there's some that's kind of
22 on the northern most part that extends past the
23 basins that go outside of the lease area, but we
24 have in our agreement that we will, Lodestar will
25 manage and take care of all the vegetation that we

1 plant.

2 THE VICE CHAIR: Thank you. Looking at
3 drawing C3.00, now there are two 100-year flood
4 lines going through the facility. What's the
5 difference between the two lines?

6 THE WITNESS (Valone): I'll give that
7 to Steve Kochis.

8 THE WITNESS (Kochis): This is Steve
9 Kochis. Mr. Morissette, that was part of a
10 response I gave in a previous response here today.
11 The more northwesterly line on the plan sheet is
12 the in place today FEMA 100-year flood hazard
13 floodplain line. The line -- I'm going to
14 estimate -- 10 feet horizontally away, and it ends
15 up being about 1.1 feet vertically higher, is the
16 proposed preliminary FEMA 100-year floodplain
17 line.

18 So it's something -- there's
19 documentation on the FEMA website that they are
20 considering updating their maps to incorporate the
21 new proposed line which is further southeast into
22 our facility, but as of, I should say as of the
23 time of when we prepared the FEMA compensatory
24 calcs, that line was not in effect. I haven't
25 been back to the FEMA website to check that in the

1 last month or so, but I don't believe it has been
2 enacted yet.

3 THE VICE CHAIR: Very good. Thank you.
4 Now on the same drawing I didn't see it, but maybe
5 it's -- is there a 500-year line depicted on the
6 drawing?

7 THE WITNESS (Kochis): This is Steve
8 Kochis. I'm just thinking about how to answer
9 that. To answer your question directly, there's
10 no 500-year line shown here. I would have to, in
11 the meantime I'll pull up the FEMA flood hazard
12 mapping line. I'm not certain there's a 500-year
13 floodplain associated with the Farmington River
14 here. There may be. There may not be. So I want
15 to double check that before I give that color.
16 But also, the 500-year floodplain typically does
17 not warrant any special flood insurance or
18 considerations in electrical design or anything
19 like that for standard projects like this or any
20 other development.

21 THE VICE CHAIR: Right. It was
22 testified today that the insurance carrier
23 basically looks at the 100-year plus 3 feet for
24 your equipment. Did I interpret that right?

25 THE WITNESS (Valone): This is Sam

1 Valone. Yes, they look at the 100-year, and they
2 want the leading edge of the panels to be 3 feet
3 above that base flood elevation, correct, above
4 the 100-foot.

5 THE VICE CHAIR: All right. Thank you.
6 While we're on the floodplain topic, the town had
7 brought up the special flood hazard area. Using
8 that same drawing, can you tell me where that is
9 or what that is?

10 THE WITNESS (Kochis): This is Steve
11 Kochis. I would take the definition of a special
12 flood hazard area to be something like a floodway
13 or a 100-year floodplain which would be the line
14 that we're showing. And then to add some color,
15 Mr. Morissette, I did double check the FEMA map
16 that was associated with our application. There
17 is a 500-year floodplain that comes a tad further
18 into our development, but it's not shown on our
19 site plans; and as noted, it doesn't carry any
20 additional permitting or insurance implications.

21 THE VICE CHAIR: Okay. Great. Thanks
22 for looking at it.

23 Okay. I would like to go to the
24 simulations, specifically looking at photo 2, and
25 it has to do with the interconnection, of course.

1 Now, I noticed in the simulation the distribution
2 poles do not show any equipment on them, so it is
3 a bit deceiving. Now, you're running your
4 distribution poles parallel with Nod Road. Now,
5 you also show vegetation or treeline. Is that
6 treeline existing and will that treeline stay?

7 THE WITNESS (Valone): This is Sam
8 Valone. There are some existing trees along Nod
9 Road in front of where those poles would be, and
10 all of those trees would stay. However, they're
11 kind of spaced out, so we would add additional
12 trees in between it to bulk it up.

13 THE VICE CHAIR: So is this an accurate
14 representation of the existing treeline?

15 THE WITNESS (Valone): I can give that
16 to Chris Dubois, yeah.

17 THE WITNESS (Dubois): Chris Dubois,
18 VHB. Yes, in the area adjacent to Nod Road, each
19 individual tree was put in. Its height was
20 recorded from the 3D mapping and then a model of a
21 similar species of tree was placed and sized
22 appropriately.

23 THE VICE CHAIR: Okay. So when the
24 project goes in service, photo 2 is what we'll see
25 as far as a treeline?

1 THE WITNESS (Dubois): This is Chris
2 Dubois. Yes, that's correct.

3 THE VICE CHAIR: Okay. All right. And
4 in response to question 33b, there was discussion
5 about having the customer side distribution poles
6 closer to the equipment pad. And we have -- that
7 has continually been a normal practice that we're
8 starting to see, instead of grouping all six
9 together, we'd see the utility poles near the
10 street and then the customer-side poles by the
11 equipment pad or the inverters as well. I'd like
12 to explore more deeply why you're not proposing to
13 do that here.

14 THE WITNESS (Valone): This is Sam
15 Valone. Yeah, so typically if we were to leave
16 more space between the utility-owned poles and the
17 customer-owned poles, either we would have to
18 between those poles bring the wires back down
19 underground and then bring it back aboveground
20 when we start our customer-owned poles, and that
21 just can be more expensive and a bit more
22 complicated, or else you have to, if you're going
23 to keep it aboveground, you have to put additional
24 mid-span poles to carry the wires back to the
25 customer poles. And that's also the last thing we

1 want to do is add more poles. So it is feasible.
2 It's a financial factor.

3 THE VICE CHAIR: Certainly adding an
4 additional pole is not, that defeats the purpose,
5 but I understand you'd have to go underground. In
6 this particular situation it is a pretty short
7 span. I think it's somewhat mitigated by the fact
8 that you've got a treeline shielding the
9 interconnection distribution poles somewhat, so I
10 think that actually is helpful. Okay. Thank you.

11 One last question --

12 THE WITNESS (Kochis): Mr. Morissette,
13 can I just add some color there as well?

14 THE VICE CHAIR: Certainly. Please.

15 THE WITNESS (Kochis): So this is a
16 little bit different of a site. But also, as
17 noted in one of the other responses, just to add
18 color there on the issue of moving the customer
19 poles, just to be clear, moving the customer poles
20 more interior to the solar panels will also make
21 the customer poles quite a bit higher. As
22 indicated previously, the equipment pad is
23 probably -- where the three equipment pads are
24 probably 20 to 25 feet vertically higher than Nod
25 Road. And so that would have to be considered in

1 the visual impacts of the project if poles were to
2 be moved because they'd end up being moved quite a
3 bit up the hill as well.

4 THE VICE CHAIR: Okay. That's a good
5 point. Very good. That would actually make them
6 more visible than less. Great.

7 Okay. One final question. Now, the
8 way I see this is that this facility is basically
9 at the base of the mountain, so it's not into the
10 valley, it's at the beginning of the valley. So
11 my question is, is there any shading impact from
12 the mountain?

13 THE WITNESS (Valone): This is Sam
14 Valone. I can pass that to Jeff Macel on my team.

15 THE WITNESS (Macel): This is Jeff
16 Macel with Lodestar Energy. Typically our sites
17 generate in what looks like a bell curve on
18 energy. So the short answer is that at the
19 beginning of the day when the sun rises to the
20 east, which is the mountain side for Hartford,
21 there would be some limited time in the morning
22 that the site would not get as much production
23 when the sun rises, but that would quickly
24 disappear during the daytime. So it is a very
25 small percentage of site, of production that would

1 be impacted by the mountain shading.

2 THE VICE CHAIR: Okay. So you will
3 have some loss, probably a couple hours worth
4 would you say?

5 THE WITNESS (Macel): Correct. An
6 hour's worth is probably not the right metric to
7 judge it by. It's more probably a percentage. So
8 you don't need direct irradiation in order for the
9 modules to generate. They receive indirect
10 sunlight which does still allow them to generate.
11 So, we estimate the reduction in that in the low
12 single digits.

13 THE VICE CHAIR: Okay. Great. Thank
14 you. Okay. That concludes my cross-examination.

15 Attorney Hoffman, we have one
16 outstanding question from the Council relating to
17 the number of trees -- reduction in trees due to
18 the revised plan. If possible, I would like to
19 get an answer to that during the break so we don't
20 have any open questions at the end of the hearing.
21 Is that possible?

22 ATTORNEY HOFFMAN: We see broad
23 agreement around the table, so we will make it so.

24 THE VICE CHAIR: Very good. Great.
25 Thank you.

1 Okay. We will continue with
2 cross-examination of the petitioner by the Town of
3 Simsbury.

4 Attorney DeCrescenzo, good afternoon.

5 ATTORNEY DECRESCENZO: Good afternoon,
6 Mr. Morissette.

7 And good afternoon, panel. In
8 reviewing the petition, we did not see any
9 depictions of the view of the facility from the
10 ridgeline. Did you provide them and we just
11 missed them or were they not provided?

12 THE WITNESS (Valone): This is Sam
13 Valone speaking. We took a photo from the base of
14 the Heublein Tower but nowhere else along the
15 ridgeline, just from the base of the tower.

16 ATTORNEY DECRESCENZO: And why is that?
17 Because there's quite an extensive trail up there,
18 and we didn't see any depictions of the facility
19 from any points on that trail. Is that something
20 you'd be willing to provide for us?

21 THE WITNESS (Valone): This is Sam
22 Valone. I can pass that to Jeff Macel.

23 THE WITNESS (Macel): This is Jeff
24 Macel with Lodestar Energy. The request from the
25 Town of Simsbury was made, and those pictures were

1 taken approximately February 14th. So, as we all
2 recall during this winter, there was about 2 feet
3 of snow all along the mountain, so it was
4 difficult not only to get up there for the
5 pictures that were obtained, but the ridgeline was
6 not somewhere that we could safely dispatch
7 someone to take photos. We could see if it would
8 be helpful to take photos now and submit those in
9 a follow-up visit.

10 ATTORNEY DECRESCENZO: Yeah, we would
11 request that. Because I'm looking at the photo
12 that you did provide, and it's really not, in our
13 view, illustrative of what the view from the ridge
14 will be of the facility, and we would like to see
15 that.

16 THE VICE CHAIR: We are not going to be
17 accepting Late-Filed exhibits. We are
18 anticipating closing this hearing today, so we
19 will not open it or continue having it open for an
20 additional Late-File.

21 ATTORNEY DECRESCENZO: Well, perhaps
22 the petitioner could just submit them to us
23 outside of this proceeding.

24 THE VICE CHAIR: They can certainly do
25 that, but it won't be part of the record.

1 ATTORNEY DECRESCENZO: Understood.
2 Same question as to the top of the tower. You
3 mentioned that you took photographs from the
4 bottom of the tower but not the top. What's the
5 reason for that?

6 THE WITNESS (Valone): This is Sam
7 Valone. Yeah, at the time in February when we
8 went to the tower to take pictures, it was closed
9 at that time of the year, so you could not
10 actually go inside to the top of the tower. And
11 again, as we've testified today, there is likely
12 some visibility from the top of the tower just due
13 to the topography of the ridgeline. DEEP has also
14 submitted comments to the Siting Council, and they
15 testified that they have no concerns over the
16 visibility.

17 ATTORNEY DECRESCENZO: Well, they may
18 not, but the citizens of Simsbury do. And again,
19 I'll reiterate my request that if it's not
20 possible to submit it within this proceeding that
21 you would submit it outside of the proceeding so
22 that we can answer the reasonable requests of the
23 citizens of Simsbury to understand what this will
24 look like from those very important public access
25 points.

1 THE VICE CHAIR: Attorney DeCrescenzo,
2 we also agree that's a very important item that
3 should be submitted into the record, so therefore
4 we will allow it.

5 ATTORNEY DECRESCENZO: Thank you, Mr.
6 Morissette. We appreciate that.

7 The other question we had a lot of
8 public input on is how close the array is to Nod
9 Road. Do you have a distance of -- provide the
10 distance from the curbline of Nod Road to the
11 first installation?

12 THE WITNESS (Valone): This is Sam
13 Valone for the record. So the panels will be at
14 least 50 feet from the edge of our property line.

15 And Steve Kochis, if you have any more
16 precise measurements, feel free to jump in.

17 THE WITNESS (Kochis): No. This is
18 Steve Kochis. I was going to give the same
19 approximate value of 50 feet for the closest
20 modules to the Nod Road right-of-way line.

21 ATTORNEY DECRESCENZO: Is there an
22 opportunity on the site to move it back further
23 away from Nod Road to diminish the visibility from
24 that street?

25 THE WITNESS (Valone): This is Sam

1 Valone. I mean, yes, it is physically possible.
2 However, we did meet with the town before, and we
3 added additional vegetative screening in order to
4 further enhance and block that visibility. We've
5 already removed some panels from the floodplain
6 that were closer to Nod Road too, so we think that
7 we've scaled back a good amount already. And the
8 more and more panels that we take away, the
9 smaller this is going to get, and it's going to
10 produce less power which becomes just a financial
11 difficulty as well as we need to maintain a
12 certain size to be within the SCEF program, the
13 Shared Clean Energy Facilities program.

14 ATTORNEY DECRESCENZO: What is the
15 capacity of each panel?

16 THE WITNESS (Valone): The capacity of
17 each panel is 640 watts.

18 ATTORNEY DECRESCENZO: I've asked this
19 in other proceedings. Are there other panel
20 capacities available at a higher level than that
21 commercially available that would allow you to
22 reduce the number of panels and therefore move
23 them farther back from the public street?

24 THE WITNESS (Valone): This is Sam
25 Valone speaking. Yes, there's constantly newer

1 and better technology out there and higher wattage
2 panels, and it's likely, if this project were to
3 move forward and be constructed, that closer to
4 construction there will be a higher wattage module
5 out there that we could replace it with. So while
6 I can't answer that exact question now, I'd say
7 that's something definitely we can consider if the
8 technology is available.

9 ATTORNEY DECRESCENZO: And if it is
10 available, would you consider eliminating those
11 panels that are closest to Nod Road given that you
12 don't need as many panels, you could start them
13 farther back from the street and therefore improve
14 the screening of the entire array?

15 THE WITNESS (Valone): This is Sam
16 Valone. I can't make any promises now, but it's
17 certainly something that we could consider.

18 ATTORNEY DECRESCENZO: And I noted that
19 you had not yet consulted with the Simsbury
20 Volunteer Fire Department and that you will -- but
21 can you commit to doing that before you submit
22 your D&M plan? In the event that they have some
23 issues that you will need to address, you'll have
24 the opportunity to address them in the D&M plan.

25 ATTORNEY HOFFMAN: I'm going to object

1 to that question. It presumes that there will be
2 a D&M plan. This is a petition. I don't know
3 that there will be a D&M plan.

4 ATTORNEY DECRESCENZO: Well, counsel,
5 you understand my question. The issue is, we
6 don't want -- we'd like to avoid having you
7 consult with the fire department when the project
8 is too far along, that if they raise a concern or
9 they would request some sort of alteration to help
10 protect against fires, that it's too late to do
11 anything about it. So can you offer a solution to
12 that scenario?

13 ATTORNEY HOFFMAN: Mr. Morissette,
14 through you, I think the Council could make that a
15 condition of approval, without the need for a
16 full-fledged D&M plan, should the Council so
17 desire that.

18 ATTORNEY DECRESCENZO: Yeah, we would
19 be satisfied with a condition of approval that
20 required a meeting with the fire department prior
21 to final design of the facility and a commitment
22 to respond to any comments they may have.

23 THE VICE CHAIR: I think the Council
24 can take that under consideration as part of its
25 decision and order, and, whether there's a D&M

1 plan or not, include such a condition to supply
2 information that was deemed from the fire
3 department prior to construction of the facility,
4 something to that effect.

5 ATTORNEY DECRESCENZO: We appreciate
6 that, Mr. Morissette. Thank you.

7 THE VICE CHAIR: Thank you.

8 ATTORNEY DECRESCENZO: Now, as you may
9 or may not be aware -- I'm sure you are aware --
10 there's a large tax payment owed on this property.
11 Can you commit to -- and I know you're going to
12 hold a leasehold here, but the town is very
13 interested in collecting those taxes before this
14 project goes much further. Do you have any
15 comment on when those taxes will be paid and how
16 quickly they can be paid?

17 ATTORNEY HOFFMAN: Mr. Morissette, I'm
18 going to object to that. This is beyond the scope
19 of the Siting Council's jurisdiction.

20 THE VICE CHAIR: Yes, sustained. It is
21 beyond our scope.

22 ATTORNEY DECRESCENZO: With that, Mr.
23 Morissette, I have no further questions on
24 cross-examination.

25 THE VICE CHAIR: Very good. Thank you.

1 MR. LYNCH: Mr. Morissette?

2 THE VICE CHAIR: Yes, Mr. Lynch.

3 MR. LYNCH: I would like to go along
4 with Attorney DeCrescenzo's thoughts on getting
5 the fire department involved, at least had by the
6 applicant before we make a decision.

7 THE VICE CHAIR: Before we make a
8 decision on the petition?

9 MR. LYNCH: Yes.

10 THE VICE CHAIR: Or before they start
11 construction?

12 MR. LYNCH: Before we make our
13 decision, Mr. Morissette.

14 THE VICE CHAIR: I don't think we can
15 do that because we're on a time clock to ensure
16 that we handle petitions in a timely manner.

17 Attorney Bachman --

18 ATTORNEY BACHMAN: Pardon me, Mr.
19 Morissette. We have an extension granted by the
20 Town of Simsbury due to our conditional approval
21 of their party status that extended this until
22 November of 2026.

23 THE VICE CHAIR: Okay.

24 ATTORNEY BACHMAN: We have a Late-File.
25 The town did request photographs from Heublein

1 Tower. We are going to have a continued
2 evidentiary hearing session, and I could be
3 mistaken, I believe the date is June 9th. We'll
4 have to look at the evening session statement that
5 unfortunately wasn't prepared before this
6 evidentiary session. But certainly, if we have
7 another continued hearing session, there is time
8 to consult with the fire department in advance of
9 any decision rendered by the Council. Thank you.

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

12 So with that, the petitioner, as part
13 of their Late-File or interrogatories that we'll
14 issue, should consult with the fire department and
15 respond to us prior to June 9th, or the deadline
16 for interrogatories and Late-Files, in preparation
17 for the June 9th hearing. And we can address that
18 further. Thank you.

19 Thank you, Attorney Bachman.

20 Okay. With that, we're going to take a
21 break. Let's take a -- let's go to 3:45, and we
22 will continue with the appearance of the Town of
23 Simsbury at 3:45. Thank you, everyone. See you
24 at 3:45.

25 (Whereupon, a recess was taken from

1 3:29 p.m. until 3:45 p.m.)

2 THE VICE CHAIR: We are back on the
3 record. Okay. We are now going to move on to the
4 appearance by the Town of Simsbury. Will the
5 party present its witness panel for purposes of
6 taking the oath. Attorney Bachman will administer
7 the oath.

8 ATTORNEY DECRESCENZO: Yes. Thank you,
9 Mr. Morissette. The witness for the Town of
10 Simsbury will be Town Manager Marc Nelson.

11 THE VICE CHAIR: Thank you.

12 Attorney Bachman, please swear in
13 Mr. Nelson, please.

14 ATTORNEY BACHMAN: Thank you.

15 M A R C N E L S O N,

16 having been first duly sworn by Attorney
17 Bachman, testified on his oath as follows:

18 ATTORNEY BACHMAN: Thank you.

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

21 Attorney DeCrescenzo, please begin by
22 verifying all the exhibits by the appropriate
23 sworn witness.

24 ATTORNEY DECRESCENZO: Thank you.

25

1 DIRECT EXAMINATION

2 ATTORNEY DECRESCENZO: Good afternoon,
3 Mr. Nelson. Would you state your name and title
4 for the record, please.

5 THE WITNESS (Nelson): Good afternoon.
6 My name is Marc Nelson. I am the town manager in
7 the Town of Simsbury.

8 ATTORNEY DECRESCENZO: Mr. Nelson, are
9 you familiar with the exhibit that's been
10 submitted to this proceeding on behalf of the Town
11 of Simsbury?

12 THE WITNESS (Nelson): Yes, I am, sir.

13 ATTORNEY DECRESCENZO: Did you prepare
14 or participate in the preparation of that exhibit?

15 THE WITNESS (Nelson): I prepared it,
16 sir.

17 ATTORNEY DECRESCENZO: In your opinion,
18 is it accurate to your best knowledge and belief?

19 THE WITNESS (Nelson): Yes, it is.

20 ATTORNEY DECRESCENZO: Do you believe
21 there should be any changes to the exhibit as
22 submitted?

23 THE WITNESS (Nelson): No, sir, I do
24 not.

25 ATTORNEY DECRESCENZO: Mr. Morissette,

1 I would like to ask the Council to adopt it as a
2 full exhibit.

3 Oh, excuse me. Mr. Nelson, do you
4 adopt the exhibit as your sworn testimony in this
5 proceeding?

6 THE WITNESS (Nelson): I do, sir.

7 ATTORNEY DECRESCENZO: With that, Mr.
8 Morissette, I would ask that the exhibit be
9 adopted as a full exhibit.

10 THE VICE CHAIR: Thank you, Attorney
11 DeCrescenzo.

12 Does the petitioner --

13 ATTORNEY HOFFMAN: Mr. Morissette?

14 THE VICE CHAIR: Yes, Attorney Hoffman.

15 ATTORNEY HOFFMAN: Unless I missed it
16 during the break, I don't believe the witness was
17 sworn in.

18 ATTORNEY DECRESCENZO: No, he was.

19 THE VICE CHAIR: He was.

20 ATTORNEY HOFFMAN: Okay.

21 THE VICE CHAIR: Thank you.

22 ATTORNEY BACHMAN: Pardon me, Vice
23 Chair Morissette?

24 THE VICE CHAIR: Yes.

25 ATTORNEY BACHMAN: I just want it clear

1 for the record that there are actually three
2 exhibits for identification under the town's case
3 and not just one.

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

6 Attorney DeCrescenzo, you have three
7 exhibits to --

8 ATTORNEY DECRESCENZO: Yes. The second
9 exhibit, I believe, is a letter from First
10 Selectman Wendy Mackstutis. Is that correct?

11 THE VICE CHAIR: That's the request for
12 party status?

13 ATTORNEY DECRESCENZO: Yes.

14 THE VICE CHAIR: I don't know who it's
15 from.

16 Attorney Bachman, do you know?

17 ATTORNEY BACHMAN: Exhibit 1 is the
18 prefiled testimony of First Selectperson Wendy
19 Mackstutis and the requests for public hearing and
20 comment extension, dated December 30th. And the
21 second exhibit is the request for party status
22 that is dated April 10th.

23 ATTORNEY DECRESCENZO: Yes, I was
24 referring to Exhibit B-1. We just covered B-3.

25 Let's turn our attention to B-1, the

1 prefiled testimony of First Selectperson Wendy
2 Mackstutis and requests for a public hearing and
3 comment extension, dated December 30, 2025.

4 Mr. Nelson, are you familiar with this
5 exhibit?

6 THE WITNESS (Nelson): Yes, I am.

7 ATTORNEY DECRESCENZO: Did you prepare
8 or participate in the preparation of this exhibit?

9 THE WITNESS (Nelson): I helped prepare
10 it, sir.

11 ATTORNEY DECRESCENZO: Is it accurate
12 to the best of your knowledge and belief?

13 THE WITNESS (Nelson): Yes, sir.

14 ATTORNEY DECRESCENZO: Do you believe
15 there should be any changes to the exhibit?

16 THE WITNESS (Nelson): No, sir.

17 ATTORNEY DECRESCENZO: Are you prepared
18 to adopt it as your sworn testimony?

19 THE WITNESS (Nelson): Yes, sir.

20 ATTORNEY DECRESCENZO: I'd offer that
21 as a full exhibit, Mr. Morissette.

22 THE VICE CHAIR: Thank you. We have
23 one more exhibit, the request for party status,
24 dated April 10, 2026.

25 ATTORNEY DECRESCENZO: Yes. I believe

1 I filed that one, but I'll ask this witness. Mr.
2 Nelson, are you familiar with the request for
3 party status filed in this proceeding?

4 THE WITNESS (Nelson): Yes, I am, sir.

5 ATTORNEY DECRESCENZO: Did you prepare
6 or assist in the preparation of the exhibit?

7 THE WITNESS (Nelson): I participated
8 in it, sir.

9 ATTORNEY DECRESCENZO: Is it accurate
10 to the best of your knowledge and belief?

11 THE WITNESS (Nelson): Yes, it is.

12 ATTORNEY DECRESCENZO: Do you believe
13 there should be any changes to the exhibit?

14 THE WITNESS (Nelson): No, sir.

15 ATTORNEY DECRESCENZO: Are you prepared
16 to adopt it as your sworn testimony today?

17 THE WITNESS (Nelson): I am.

18 ATTORNEY DECRESCENZO: With that, Mr.
19 Morissette, I move for adoption of all three
20 exhibits as testimony in this proceeding.

21 THE VICE CHAIR: Very good. Thank you.

22 Does the petitioner object to the
23 admission of the Town of Simsbury's exhibits,
24 Attorney Hoffman?

25 ATTORNEY HOFFMAN: No objections.

1 THE VICE CHAIR: Very good. Thank you.
2 The exhibits are hereby admitted.

3 (Town of Simsbury's Exhibits III-B-1
4 through III-B-3: Received in evidence - described
5 in index.)

6 THE VICE CHAIR: We'll now begin with
7 cross-examination of the Town of Simsbury by the
8 Council starting with Mr. Mercier followed by Ms.
9 Hall.

10 Mr. Mercier.

11 CROSS-EXAMINATION

12 MR. MERCIER: Thank you. Has the town
13 had the opportunity to review the revised site
14 plans provided with the Council's interrogatories?
15 I think that was Exhibit A attached.

16 THE WITNESS (Nelson): Yes, we have,
17 sir.

18 MR. MERCIER: Does the town have any
19 comments on those site plans? Reading your
20 prefile testimony, I understand there were certain
21 items the town was looking for.

22 THE WITNESS (Nelson): Right. No
23 further comments other than expressed in my
24 testimony that there were certain agreements made
25 which you can see before you. Nothing to add to

1 that.

2 MR. MERCIER: Okay. Earlier this
3 afternoon, the town was requesting photos from the
4 top of Heublein Tower. Would you know when that
5 tower typically opens for the public for viewing?

6 THE WITNESS (Nelson): I don't have an
7 exact date for the Council, but I believe it's in
8 late spring.

9 MR. MERCIER: Would that be essentially
10 the month of May sometime?

11 THE WITNESS (Nelson): Or late April,
12 yes, sir.

13 MR. MERCIER: Okay. Thank you. Have
14 you been to the top of the tower yourself?

15 THE WITNESS (Nelson): Not to the top,
16 sir, but to the base.

17 MR. MERCIER: Okay. Thank you. I have
18 no other questions.

19 THE VICE CHAIR: Thank you, Mr.
20 Mercier.

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

24 Ms. Hall.

25 MS. HALL: Mr. Nelson, so I've got your

1 prefile testimony, and it has the three
2 conditions, I guess, or the actions that you
3 believe the applicant has agreed to. Are you
4 looking for something beyond these three
5 conditions?

6 THE WITNESS (Nelson): No, we're
7 satisfied with these. And I think there was a
8 question by a member of the Council earlier about
9 their presentation at conservation on, I believe,
10 April 6th or April 7th. I was not present at that
11 meeting, but I believe that they had asked for
12 some additional things that the applicant had
13 agreed to make that were not incorporated in my
14 written testimony as I was unaware of them at the
15 time. But if I added anything, it would be that
16 whatever those commitments were made to
17 conservation would also be made a condition of
18 approval.

19 I'd also mention I was obviously
20 participating here in the call today regarding
21 discussions about their commitment to contact and
22 work with our volunteer fire department. I think
23 those are the only two things that are not
24 included in my testimony as they happened
25 afterwards.

1 MS. HALL: Thank you. I have no
2 further questions.

3 THE WITNESS (Nelson): Thank you.

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

5 We'll now continue with
6 cross-examination by Mr. Carter followed by Dr.
7 Williams.

8 Mr. Carter.

9 MR. CARTER: Thank you, Mr. Vice Chair.
10 I have no questions.

11 THE VICE CHAIR: Very good. Thank you.
12 We'll now continue with cross-examination by Dr.
13 Williams followed by Mr. Golembiewski.

14 Dr. Williams.

15 DR. WILLIAMS: I have nothing at this
16 time. Thank you.

17 THE VICE CHAIR: Thank you. We'll
18 continue with cross-examination of the Town of
19 Simsbury by Mr. Golembiewski followed by Mr.
20 Nguyen.

21 Mr. Golembiewski.

22 MR. GOLEMBIEWSKI: I have no questions.
23 Thank you.

24 THE VICE CHAIR: Thank you. We'll now
25 continue with cross-examination by Mr. Nguyen

1 followed by Mr. Syme.

2 Mr. Nguyen.

3 (No response.)

4 THE VICE CHAIR: We'll now continue
5 with cross-examination by Mr. Syme followed by Mr.
6 Lynch.

7 Mr. Syme.

8 MR. SYME: I have none. Thank you.

9 THE VICE CHAIR: Very good. We'll now
10 continue with cross-examination by Mr. Lynch.

11 Mr. Lynch.

12 MR. LYNCH: No questions.

13 THE VICE CHAIR: Thank you. And I have
14 no questions.

15 Thank you, Mr. Nelson. We'll continue
16 with cross-examination of the Town of Simsbury by
17 the petitioner, Attorney Hoffman.

18 ATTORNEY HOFFMAN: I have no questions,
19 Mr. Morissette.

20 THE VICE CHAIR: Very good. Thank you.
21 Okay. That concludes the hearing for
22 this afternoon.

23 ATTORNEY HOFFMAN: Mr. Morissette?

24 THE VICE CHAIR: Yes, Attorney Hoffman.

25 ATTORNEY HOFFMAN: You had asked us to

1 do a Read-In after the break which we did prepare.

2 THE VICE CHAIR: Okay. Great. If we
3 could knock that off, that would be helpful.
4 Thank you.

5 ATTORNEY HOFFMAN: Certainly.
6 Ms. Valone will do it for you, sir.

7 THE VICE CHAIR: Thank you.

8 THE WITNESS (Valone): Yes. Sam Valone
9 for the record. Previously you had asked for the
10 new limits of tree clearing with the revised
11 plans. So originally it was 2.5 acres of tree
12 clearing. Now it is 2.3 acres of tree clearing.

13 THE VICE CHAIR: I also believe that
14 the question was related to the number of trees.
15 It was 30, and it goes down to -- do you have that
16 number?

17 THE WITNESS (Kochis): This is Steve
18 Kochis. I would estimate it would, the new site
19 plan would result in approximately four or five
20 less trees being removed.

21 THE VICE CHAIR: Okay. So
22 approximately 25 to 26 trees, okay.

23 Mr. Mercier, does that satisfy your
24 question?

25 MR. MERCIER: Yes. However, I do have

1 an additional question, if that is okay, for
2 the Lodestar people.

3 THE VICE CHAIR: Certainly. Please
4 continue.

5 MR. MERCIER: Earlier, during the
6 discussion about the landscaping plan, it was
7 stated that the landscaping would extend along Nod
8 Road in the area where it was outside of the
9 lease, but there was an agreement with the
10 property owner to install and maintain those. Is
11 that a separate agreement, a separate lease
12 arrangement that hasn't been submitted to the
13 Council?

14 THE WITNESS (Valone): No. This is Sam
15 Valone for the record. That should be in our
16 current lease that we're just responsible for any
17 of the vegetative plantings that we put on the
18 property. There is no separate agreement for the
19 vegetative maintenance.

20 MR. MERCIER: Okay. So you're allowed
21 to put vegetation in areas of the property that
22 may be outside the leased solar perimeter; and if
23 so, then you would have to maintain that?

24 THE WITNESS (Valone): Yes.

25 MR. MERCIER: Okay. Thank you.

1 THE VICE CHAIR: Thank you, Mr.
2 Mercier.

3 MR. MERCIER: I have no other
4 questions.

5 THE VICE CHAIR: Very good. Thank you.
6 Attorney Hoffman, we have one
7 Late-File, and it has to do with the photo
8 simulations along the ridgeline.

9 ATTORNEY HOFFMAN: Yes, sir.

10 THE VICE CHAIR: Very good. Okay.
11 Thank you, everyone. That concludes our hearing
12 for this afternoon.

13 ATTORNEY DECRESCENZO: Mr. Morissette,
14 one last thing to make sure we capture this. I
15 believe there was also an obligation for the
16 petitioner to meet with the fire department before
17 the resumption of the -- the close of the hearing.

18 THE VICE CHAIR: Yes, yes, so that's
19 the second Late-File, that is correct. I'm also
20 assuming that the Council staff will ask
21 interrogatories relating to it as well. Very
22 good. Thank you for the reminder.

23 Okay. The Council will recess until
24 6:30 p.m., at which time we will commence with the
25 public comment session of this public hearing.

1 Thank you, everyone, for your participation this
2 afternoon, and we'll see you at 6:30. Thank you.

3 (Whereupon, the hearing adjourned at
4 3:58 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 85 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Public Hearing held before the Connecticut Siting Council in Re: Petition No. 1698, LSE Lynx LLC (Lodestar Energy) petition for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the construction, maintenance and operation of a 4.65-megawatt AC solar photovoltaic electric generating facility and associated equipment located at 140 Nod Road, Simsbury, Connecticut, and associated electrical interconnection, which was held before JOHN MORISSETTE, VICE CHAIR, via Zoom, on April 23, 2026.



Lisa L. Warner, CSR 061

Notary Public

My commission expires:

May 31, 2028

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*ADMINISTRATIVE NOTICE ITEMS I-B-1 THROUGH
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PETITIONER'S WITNESSES: (Sworn on page 9)

JEFFREY MACEL
SAM VALONE
STEVE KOCHIS
CHRIS DUBOIS
SARA BERRYMAN

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MARC NELSON

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III-B-3	Prefiled testimony of Town Manager Marc Nelson, dated April 16, 2026	77

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