

In The Matter Of:
STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1310A
January 14, 2020

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1310A

Quinebaug Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut.

Public Comment Session held at the Brooklyn Community Center, 31 Tiffany Street, Brooklyn, Connecticut, on Tuesday, January 14, 2020, beginning at 6:30 p.m.

H e l d B e f o r e :

ROBERT SILVESTRI, Hearing Officer

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

2

3 Council Members:

4 ROBERT HANNON,

5 Designee for Commissioner Katie Dykes

6 Department of Energy and

7 Environmental Protection

8 LARRY LEVESQUE, ESQ.,

9 Designee for Chairman Marissa P. Gillett

10 Public Utilities Regulatory Authority

11 JOHN MORISSETTE

12 MICHAEL HARDER

13 DANIEL P. LYNCH, JR.

14 EDWARD EDELSON

15

16 Council Staff:

17 MELANIE BACHMAN, ESQ.

18 Executive Director and

19 Staff Attorney

20

21 MICHAEL PERRONE

22 Siting Analyst

23

24

25

1 A p p e a r a n c e s (Continued):

2 For the Applicant, Quinebaug Solar, LLC:

3 LOCKE LORD LLP

4 20 Church Street

5 Hartford, Connecticut 06103

6 BY: DAVID W. BOGAN, ESQ.

7 KATHRYN E. BOUCHER, ESQ.

8

9 For The Connecticut Light and Power Company

10 d/b/a Eversource Energy:

11 CARMODY TORRANCE SANDAK HENNESSEY LLP

12 50 Leavenworth Street

13 P.O. Box 1110

14 Waterbury, Connecticut 06702

15 BY: MARIANNE BARBINO DUBUQUE, ESQ.

16

17 Also present:

18 HAGEN LEE, Quinebaug Solar, LLC, and

19 NextEra Energy Resources

20 Public Speakers:

21 DOUGLAS SCHWARTZ

22 CHRISTOPHER LIPPKE, First Selectman,

23 Town of Canterbury

24 RICHARD IVES, First Selectman,

25 Town of Brooklyn

1 MR. SILVESTRI: Good evening, everyone.
2 This hearing is called to order this Tuesday,
3 January 14, 2020, at 6:30 p.m. My name is Robert
4 Silvestri, member and presiding officer of the
5 Connecticut Siting Council.

6 Other members of the Council are
7 Mr. Robert Hannon, designee for Commissioner Katie
8 Dykes with the Department of Energy and
9 Environmental Protection; Mr. Larry Levesque,
10 designee for Chairman Marissa Paslick Gillett of
11 the Public Utilities Regulatory Authority;
12 Mr. John Morissette; Mr. Michael Harder;
13 Mr. Daniel P. Lynch, Jr.; and Mr. Edward Edelson.

14 Members of the staff are Ms. Melanie
15 Bachman, executive director and staff attorney,
16 and Mr. Michael Perrone, our siting analyst.

17 This is a continuation of a public
18 hearing that began at 3 p.m. this afternoon.
19 Copies of the hearing program and the Council's
20 Citizens Guide to Siting Council Procedures are
21 available for members of the public in the back of
22 the room.

23 This hearing is held pursuant to the
24 provisions of Title 16 of the Connecticut General
25 Statutes and of the Uniform Administrative

1 Procedure Act upon a motion to reopen a petition
2 from Quinebaug Solar, LLC for a declaratory ruling
3 for the proposed construction, maintenance and
4 operation of a 50 megawatt AC solar photovoltaic
5 electric generating facility on approximately 561
6 acres comprised of 29 separate and abutting
7 privately-owned parcels located generally north of
8 Wauregan Road in Canterbury and south of Rukstela
9 Road and Allen Hill Road in Brooklyn, Connecticut.

10 On December 5, 2019, the Council,
11 pursuant to a request filed by Quinebaug Solar,
12 LLC and the provisions of Connecticut General
13 Statutes Section 4-181a(b), reopened this
14 petition.

15 The Council's legal notice of the date
16 and time of the hearing was published in The
17 Bulletin on December 11, 2019. And upon this
18 Council's request, the petitioner erected signs
19 near the intersection of Liepis Road and Wauregan
20 Road in Canterbury and along Rukstela Road in
21 Brooklyn so as to inform the public of the name of
22 the petitioner, the type of facility, the hearing
23 date and location, and contact information for the
24 Council.

25 This afternoon members of the Council,

1 staff and public personally conducted a field
2 review of the proposed site in order to observe
3 firsthand the potential effects of the proposal.

4 This hearing session tonight has been
5 reserved for the public to make short statements
6 into the record. These public statements are not
7 subject to questions from the petitioner, parties,
8 or the Council, and members of the public making
9 statements may not ask questions of the
10 petitioner, parties or the Council. These
11 statements will become part of the record for
12 Council consideration.

13 A sign-up sheet is available for those
14 who would like to participate. And again, that's
15 in the back of the room to the left of the door as
16 you're heading in that direction.

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 I wish to note that the petitioner and
22 parties, including their representatives and
23 witnesses, are not allowed to participate in the
24 public comment session. I also wish to note for
25 those who are here, and for the benefit of your

1 friends and neighbors who are unable to join us
2 for the public comment session, that you or they
3 may send written statements to the Council within
4 30 days of the date hereof, and such written
5 statements will be given the same weight as if
6 spoken at the hearing.

7 We ask each person making a public
8 statement in this proceeding to confine his or her
9 statements to the subject matter before the
10 Council and to avoid unreasonable repetition so
11 that we may hear all of the concerns that you and
12 your neighbors may have. Please be advised that
13 the Council cannot answer questions from the
14 public about the proposal.

15 A verbatim transcript will be made of
16 this hearing and deposited at the Brooklyn,
17 Canterbury and Plainfield Town Clerk's offices for
18 the convenience of the public.

19 Before I call on members of the public
20 to make statements, I request the petitioner to
21 make a very brief presentation to the public
22 describing where the facility is proposed to be
23 located, why it is necessary, and what
24 alternatives were investigated. We can do that
25 now.

1 MR. LEE: Good evening. Thank you,
2 Council. My name is Hagen Lee. I am with NextEra
3 Energy, director of development, and also the
4 project manager for Quinebaug Solar. Quinebaug
5 Solar has been in development since 2015. It was
6 first developed by Ranger Solar and acquired by
7 our company in 2017. We've assumed the role as
8 developer.

9 This project was contracted through the
10 2016 tri-state RFP with several offtakers,
11 including Eversource and United Illuminating
12 Company, and various entities of National Grid.
13 It is 49.36 megawatts in nameplate. It helps
14 Connecticut meet its renewable energy goals.

15 As it stands, the project includes just
16 over 500 acres of study area. Buildable area has
17 been significantly reduced from 270 acres to just
18 over 220 acres. And protection and buffer areas
19 have been increased significantly over the last
20 two years to over 170 acres.

21 So as the Council described, at the
22 southern end and also the eastern end you'll see
23 Wauregan Road and Cold Spring Brook on the western
24 end here. The main access road we're proposing is
25 down here south off of Wauregan Road.

1 Another significant feature would be
2 the substation and the switchyard which I doubt
3 the public will be able to see because it's the
4 back at this parcel off of Wauregan and near the
5 existing 115 kV line. So that's where the
6 switchyard and substation will be. Most of the
7 arrays will be northwest of the substation
8 location.

9 And the current land use includes
10 gravel pits, three large gravel pits. One, we
11 call it the western pit; a larger one, the central
12 pit; and the substation parcel is an active gravel
13 pit as well. There is agricultural activity as
14 well, and wooded lots are also part of our project
15 area.

16 So that's a brief introduction.

17 MR. SILVESTRI: Thank you. We'll need
18 the microphone back. Thank you.

19 We will now call on Douglas Schwartz to
20 make a public statement followed by Chris Lippke.

21 DOUGLAS SCHWARTZ: Thank you. I'm
22 going to focus on stormwater runoff. And I just
23 want to preface my comments. For those of us who
24 believe that the system for siting solar farms in
25 Connecticut is partially broken, we fully realize

1 that you just enforce the rules. You don't make
2 them.

3 But the first thing I'd like to address
4 is the Regional Council of Governments Regional
5 Natural Hazard Mitigation Plan. And the cover
6 photo is a fire at a plant on the, whatever the
7 river is that's going through Putnam, during a
8 historic flood in August of 1955. And not only is
9 it immensely flooded, but it's smoldering from a
10 fire there. This is a Murphy's Law scenario. And
11 the Regional Natural Hazard Mitigation Plan notes
12 a 2012 study that found that extreme rainstorms
13 and snowstorms in New England now occur 85 percent
14 more frequently than they did in 1948. And they
15 noted a flood on October 15th of 2005, which the
16 storm lasted about seven and a half hours and
17 dumped between 4 and 8 and a half inches of rain
18 that fell across the region. I'm quoting here.

19 So my question is, and this is my
20 Murphy's Law scenario, what happens when the
21 ground is frozen? You've got maybe a foot of two
22 of snow on top, which 90 percent of that, of
23 course, will melt and it will turn into -- 10
24 inches of snow turns into one inch of water when
25 it melts, and then you get an 8 inch rainstorm on

1 top of that. That weather event they noted on
2 October 15th, that's during the frozen part of the
3 year, the beginning of the frozen part of the
4 year.

5 But they didn't do a good job. If you
6 go to the federal weather, whatever that is,
7 whatever that agency is, The Weather Service, they
8 talked about a March 13th to 15th 2010 rain event.
9 Once again, that's during the frozen part of the
10 year. And they note the heaviest rain fell in
11 eastern Massachusetts, as much as 7 to 10 inches
12 fell from Gloucester southward through Plymouth
13 and Brockton. Totals of 4 to 6 inches fell just
14 to the west from southern New Hampshire to the
15 Worcester Hills, Rhode Island and far northeast
16 Connecticut.

17 They note another event, March 28th
18 through 31st 2010, as much as 6 to 10 inches of
19 rain fell on Rhode Island and southern
20 Connecticut; 5 to 8 inches fell in southeast
21 Massachusetts; 3 to 6 inches fell in central and
22 northeast Massachusetts as well as northern
23 Connecticut. And they note that March rainfall
24 totals range from 10 to 20 inches across the
25 eastern half of Massachusetts, Rhode Island and

1 southern New Hampshire. To the west lesser totals
2 of 5 to 10 inches occurred.

3 Now, in the petition they say that a
4 typical 24 hour, 10 year rainfall is 4.8 inches; a
5 25 year rainfall is 5 and a half; and a 24 hour,
6 100 year rainfall is 6.9 inches, which is getting
7 close to what we've experienced in recent years.
8 And I don't know if this is accurate. I find it
9 somewhat hard to believe. But they're maintaining
10 that with these impermeable surfaces of the panels
11 and the other work they've got to do, the runoff
12 will actually be less.

13 Now, the Town of Brooklyn Planning
14 Commission from the first go-around in September
15 of 2017, their comments addressed two points:
16 Number one, they were concerned that the figures
17 in the petition didn't accurately show all the
18 stone walls there, and they wondered why the
19 petitioner didn't use LiDAR, the Connecticut
20 LiDAR, which is easily available. And two, they
21 were worried about runoff to Cold Spring Brook.
22 And subsequently we've got in this go-around, I've
23 got the cultural resources report, which, if I'm
24 not mistaken, fails to mention or address anything
25 on the surface, including the stone walls.

1 So let's get back to their concerns
2 about the LiDAR. It's long overdue that all
3 petitioners submit LiDAR maps, high resolution
4 LiDAR maps of the area. Connecticut has the
5 finest LiDAR in the country with 9 inch vertical
6 resolution. This has been available to everybody
7 since August of 2017. But when you look at LiDAR
8 maps, you quickly realize that most of the
9 principle land use decisions were made by
10 glaciation, and by that I mean that the depth of
11 soil smeared across the underlying bedrock is what
12 controls where all the farms went, where all the
13 roads went, where all the development went, and
14 where it didn't go.

15 And as far as I'm concerned, if you
16 look at the LiDAR map, it quickly becomes apparent
17 that this location is basically deja vu of what
18 happened in Walnut Hill in East Lyme where the
19 downstream property owner, I believe his expenses
20 prior to him litigating are in the nature of
21 \$100,000. What happened in both cases is you have
22 a smear of soil where there's sufficient depth for
23 agriculture up on top of the hill, relatively flat
24 up on top, you know, raised above the bedrock.
25 And when it gets flooded with water, that water is

1 all going to flow off, and in both cases to a deep
2 gully in the landscape made out of bedrock without
3 sediment on top of it to the east of the site.

4 And that concludes my remarks. Thank
5 you.

6 MR. SILVESTRI: Thank you for your
7 comments. Chris Lippke.

8 CHRISTOPHER LIPPKE: Good evening. I
9 was going to read the letter that I sent in to the
10 Siting Council earlier, but I won't bore you with
11 that. You can take the time to read that at your
12 leisure.

13 But I would like to take this
14 opportunity to thank you for coming out today and
15 for seeing the site in Canterbury and in Brooklyn,
16 and seeing for yourselves some of the work that
17 has been done over the past year with NextEra to
18 address the concerns that the Siting Council had
19 with the original petition.

20 I've had the opportunity to work
21 closely with Hagen and his team at NextEra over
22 the past, it seems like, many years now, but it's
23 at least one, working on this project. And I
24 think they have met a lot of the concerns that
25 have been expressed in terms of ecological, in

1 terms of environmental, for runoff, working to
2 make sure that the local wildlife are not
3 impacted. And they've gone out. We've been
4 working hand in hand with them on what we can do
5 as a community to address those concerns with
6 NextEra.

7 I think this project is a great project
8 to help the State of Connecticut meet its clean
9 energy generation goals. It's a great project to
10 help the State of Connecticut meet its carbon
11 reduction goals. And strictly speaking, on a
12 selfish perspective, as the First Selectman of the
13 Town of Canterbury, it's a great project to help
14 my town meet its goals. It will provide a steady,
15 stable revenue stream for Canterbury as well as
16 for our neighboring town, Brooklyn. I think it
17 will help us to better manage our community, help
18 us to provide for our residents. And I would
19 fully support this project, and hope that the
20 Siting Council will as well. Thank you very much.

21 MR. SILVESTRI: Thank you for your
22 comments. At this point, ladies and gentlemen, I
23 have one person left, and that's Rick Ives, unless
24 anyone else would like to participate and sign the
25 sheet in back.

1 RICHARD IVES: Thank you. Good
2 evening. I'm the first selectman of Brooklyn.
3 I'd like to welcome you to town. Thanks for all
4 your hard work.

5 I'll echo a lot of what Chris said.
6 This is a project that I think helps the State of
7 Connecticut, it helps northeastern Connecticut,
8 selfishly it helps Brooklyn. Meeting our
9 alternative energy goals is something that we all
10 should strive to find a way to assist. This is
11 one way that I think it helps us greatly.

12 This is our first project, solar
13 project, that actually was in Brooklyn. I will
14 say that we had one that was in the Town of
15 Pomfret, but we didn't -- I guess we realized that
16 the only way to access that project was through
17 Brooklyn, and it was one of our larger residential
18 streets.

19 The construction phase and the trucking
20 in of the panels was something that affected our
21 neighborhoods in a way that we didn't really
22 expect. It does have an end to it, but in that
23 six to seven week period it was endless
24 tractor-trailer trucks. So we talked a little
25 tonight. I hope that we can make sure that we're

1 doing that in a way that affects the least amount
2 of people for the least amount of time.

3 I support this project. I hope you
4 will too. Thank you.

5 MR. SILVESTRI: Thank you for your
6 comments. Is there anyone else that would like to
7 offer public comment?

8 (No response.)

9 MR. SILVESTRI: Hearing and seeing
10 none, the Council will now close the public
11 comment session of this hearing.

12 The Council announces that it will
13 continue the evidentiary session of this hearing
14 at its office in New Britain on Tuesday, February
15 4, 2020, at 1 p.m.

16 Please note that anyone who has not
17 become a party or intervenor, but who desires to
18 make his or her views known to the Council, may
19 file written statements with the Council until the
20 public comment record closes.

21 Copies of the transcript of this
22 hearing will be filed at the Brooklyn, Canterbury
23 and Plainfield Town Clerk's offices.

24 And I hereby declare this hearing
25 adjourned. Thank you all for your participation,

1 and please drive safely.

2 (Whereupon, the above proceedings
3 adjourned at 6:48 p.m.)

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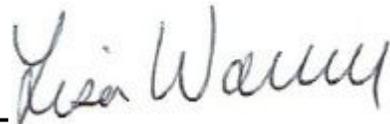
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CERTIFICATE

I hereby certify that the foregoing 18 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Public Comment Session in Re: PETITION NO. 1310A, QUINEBAUG SOLAR, LLC PETITION FOR A DECLARATORY RULING PURSUANT TO CONNECTICUT GENERAL STATUTES 4-176 AND SECTION 16-50k FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND OPERATION OF A 50 MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY ON APPROXIMATELY 561 ACRES COMPRISED OF 29 SEPARATE AND ABUTTING PRIVATELY-OWNED PARCELS LOCATED GENERALLY NORTH OF WAUREGAN ROAD IN CANTERBURY AND SOUTH OF RUKSTELA ROAD AND ALLEN HILL ROAD IN BROOKLYN, CONNECTICUT, which was held before ROBERT SILVESTRI, Presiding Officer, at the Brooklyn Community Center, 31 Tiffany Street, Brooklyn, Connecticut, on January 14, 2020.



Lisa L. Warner, CSR 061
Court Reporter
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