In The Matter Of:

DWW Solar II, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility

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Hearing

September 12, 2017

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Bristol, CT 06010

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Original File 17-09-12 - Part 03.txt

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STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Petition No. 1313

DWW Solar II, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street, north and south of Hoskins Road, and north and east of County Road, and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut.

Hearing held at Eno Memorial Hall Auditorium, 754 Hopmeadow Street, Simsbury, Connecticut, on September 12, 2017, beginning at 3 p.m.

H e l d B e f o r e:

ROBERT STEIN, Chairman

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

Council Members:
SENATOR JAMES J. MURPHY, JR.,
Vice Chairman
ROBERT HANNON
MICHAEL HARDER
LARRY P. LEVESQUE, ESQ.
DANIEL P. LYNCH, JR.
ROBERT SILVESTRI

Council Staff:
MELANIE BACHMAN, ESQ.
Executive Director and
Staff Attorney

ROBERT MERCIER
Siting Analyst

For the Applicant:
PULLMAN & COMLEY, LLC
90 State House Square
Hartford, Connecticut 06103-3702
BY: LEE D. HOFFMAN, ESQ.

THE CHAIRMAN: Good afternoon, ladies and gentlemen. I'd like to call to order this meeting of the Connecticut Siting Council of Petition 1313, today, Tuesday, September 12, 2017, at approximately 3 p.m. My name is Robin Stein. I'm Chairman of the Connecticut Siting Council.

Other members of the Council present are Senator Murphy, our Vice Chairman; Mr. Hannon, our designee from the Department of Energy and Environmental Protection; Mr. Levesque, designee from the Public Utilities Regulatory Authority; Mr. Harder; Mr. Lynch; and Mr. Silvestri. Members of the staff present are Attorney Bachman, our Executive Director; Mr. Mercier, our siting analyst; and Ms. Fontaine, our fiscal administrative officer.

This hearing is held pursuant to Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon a petition from DWW Solar II, LLC for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres

comprised of five separate and abutting privately-owned parcels located generally west of Hopmeadow Street, north and south of Hoskins Road, and north and east of County Road, and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut. The petition was received by the Council on June 29, 2017.

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

The parties and intervenors to the proceeding are as follows: The petitioner, DWW Solar II, LLC with Attorney Hoffman. The parties: Town of Simsbury, Attorney Langer. Department of Energy and Environmental Protection, Attorney Rigney. Department of Agriculture, Mr. Bowsza. And Flammini et al, who are the abutting property owners, with Attorney Kosloff.

We'll proceed in accordance with the prepared agenda, copies of which are available here, I think the back of the room. Also available are copies of the Council's Citizens Guide to Siting Council Procedures. At the end of

this afternoon's session, we will recess and then resume again at 6:30 p.m.

The 6:30 p.m. session will be reserved for the public to make brief oral statements into the record. I wish to note that parties and intervenors, including their representatives and witnesses, are not allowed to participate in the public comment session. I also wish to note for whose who are here, and for the benefit of your friends and neighbors who are unable to join us for the public comment session, that you or they may send written statements to the Council within 30 days of the date hereof, and such written statements will be given the same weight as if spoken at the hearing.

A verbatim transcript will be made of the hearing and deposited with the Town Clerk's office in Simsbury and Granby for the convenience of the public.

So I'd like to call your attention to those items shown on the hearing program marked as Roman numeral 1-D, Items 1-116. Does the petitioner or any party or intervenor have any objection to the items that the Council has administratively noticed?

MR. HOFFMAN: No objection, sir.

THE CHAIRMAN: Hearing and seeing none, the Council accordingly administratively notices these documents, statements and comments.

(Administrative Notice taken of Items I-D-1 through I-D-116.)

THE CHAIRMAN: Will the petitioner please present your witness panel for the purposes of taking the oath?

MR. HOFFMAN: Absolutely. Thank you, Chairman Stein.

So I would like to introduce folks. I will take them slightly out of order on the program so that we can go from my left, your right, down the line because I'm too challenged to figure it out any other way.

So immediately to my left is Mr. Claude Cote, who is our EHS consultant. Next to him is Jeffrey Grybowski, the president of Deepwater Wind. Immediately next to him is Aileen Kenney, who is the vice president of permitting and development for Deepwater Wind. Next to her is Susan Moberg, consultant with VHB, who is really a project manager for this facility. Next to Sue is Paul Vitaliano, who's a public engineer in the

State of Connecticut. Next to him is Jeffrey Peterson, a soil scientist, also with VHB. And on the end, put no means least, is Gordon Perkins from EDR, who's our visual consult expert.

And I would present these witnesses to be sworn in at this time.

C L A U D E C O T E,
J E F F R E Y G R Y B O W S K I,
A I L E E N K E N N E Y,
S U S A N M O B E R G,
P A U L V I T A L I A N O,
J E F F R E Y P E T E R S O N,
G O R D O N P E R K I N S,

called as witnesses, being first duly sworn by Ms. Bachman, were examined and testified on their oaths as follows:

THE CHAIRMAN: Do you want to continue by numbering the exhibits you're filing and verifying, please?

MR. HOFFMAN: Yes. Under Roman Numeral II-B, we have seven exhibits for identification purposes. They are Item No. 1, the petition for a declaratory ruling. Item No. 2, DWW's responses to the Siting Council's interrogatories that were dated August 28, 2017. Item No. 3, the proposed

field review driving route, dated September 1, 2017. Item No. 4 is aerial drone footage of the proposed site, dated September 1, 2017. Item No. 5 is DWW's responses to the Town of Simsbury's interrogatories, which are dated September 5th. Item No. 6, DWW's responses to the Department of Agriculture's interrogatories, also dated September 5th. And Item No. 7, which is our sign posting correspondence with attached photographs, also dated September 5th.

I would submit these exhibits for identification at this time.

THE CHAIRMAN: Is there any objection?

(No response.)

THE CHAIRMAN: So continue with the verification, please.

MR. HOFFMAN: Absolutely. So what I would like to do, if I might, is take all of the exhibits, except for Exhibit 4, for verification at this time. And I'd like to deal with Exhibit 4 separately, because it was one human being that did all the work, if that's okay with you?

THE CHAIRMAN: Sure. Go ahead.

DIRECT EXAMINATION

MR. HOFFMAN: So taking these all in

order, I will ask each of the witnesses in turn the same questions. The first question is, did you prepare or cause to be prepared the Exhibits 1, 2, 3, 5, 6 and 7?

Mr. Cote.

THE WITNESS (Cote): Yes.

MR. HOFFMAN: Mr. Grybowski.

THE WITNESS (Grybowski): Yes.

MR. HOFFMAN: Ms. Kenney.

THE WITNESS (Kenney): Yes.

MR. HOFFMAN: Ms. Moberg.

THE WITNESS (Moberg): Yes.

MR. HOFFMAN: Mr. Vitaliano.

THE WITNESS (Vitaliano): Yes.

MR. HOFFMAN: Mr. Peterson.

THE WITNESS (Peterson): Yes.

MR. HOFFMAN: Mr. Perkins.

THE WITNESS (Perkins): Yes.

MR. HOFFMAN: And do you have any edits, corrections or changes to any of those exhibits today?

Mr. Cote.

THE WITNESS (Cote): No modifications.

MR. HOFFMAN: Mr. Grybowski.

THE WITNESS (Grybowski): No.

MR. HOFFMAN: Ms. Kenney.
THE WITNESS (Kenney): No.
MR. HOFFMAN: Ms. Moberg.
THE WITNESS (Moberg): No.
MR. HOFFMAN: Mr. Vitaliano.
THE WITNESS (Vitaliano): No.
MR. HOFFMAN: Mr. Peterson.
THE WITNESS (Peterson): No.
MR. HOFFMAN: Mr. Perkins.
THE WITNESS (Perkins): Yes.
MR. HOFFMAN: And could you explain what your proposed edit is?
THE WITNESS (Perkins): In Exhibit G, the visibility assessment --
MR. HOFFMAN: I'm sorry, Mr. Perkins. Exhibit G of the petition?
THE WITNESS (Perkins): Of the petition, the visibility assessment. On page 4, I made reference to barbed wire on top of the chain link fence. That does not apply in this application, and it should be stricken.
MR. HOFFMAN: So there is no barbed wire on top of the chain link fence for this petition?
THE WITNESS (Perkins): That's correct.

MR. HOFFMAN: Thank you. And with that, is that your only modification to any of these exhibits?

THE WITNESS (Perkins): Yes.

MR. HOFFMAN: Thank you.

And subject to that one modification, do you each adopt these six exhibits as your sworn testimony here today?

Mr. Cote.

THE WITNESS (Cote): Yes, I do.

MR. HOFFMAN: Mr. Grybowski.

THE WITNESS (Grybowski): Yes.

MR. HOFFMAN: Ms. Kenney.

THE WITNESS (Kenney): Yes.

MR. HOFFMAN: Ms. Moberg.

THE WITNESS (Moberg): Yes.

MR. HOFFMAN: Mr. Vitaliano.

THE WITNESS (Vitaliano): Yes.

MR. HOFFMAN: Mr. Peterson.

THE WITNESS (Peterson): Yes.

MR. HOFFMAN: Mr. Perkins.

THE WITNESS (Perkins): Yes.

MR. HOFFMAN: And with respect to Exhibit 4, which is the aerial drone footage, Mr. Perkins, did you prepare or cause that footage

to be prepared?

THE WITNESS (Perkins): Yes.

MR. HOFFMAN: And do you have any proposed changes to that footage?

THE WITNESS (Perkins): No.

MR. HOFFMAN: And do you adopt that footage as part of your sworn testimony here today?

THE WITNESS (Perkins): Yes.

MR. HOFFMAN: And with that, I would submit all seven exhibits as full exhibits at this time.

THE CHAIRMAN: Do any of the parties or intervenors have any objection to the admission of these exhibits?

A VOICE: No objection, Mr. Chairman.

A VOICE: No objection.

THE CHAIRMAN: Okay. Hearing and seeing none, the exhibits are admitted.

(Applicant's Exhibits II-B-1 through II-B-7: Received in evidence - described in index.)

THE CHAIRMAN: We will now begin with cross-examination of the petitioner by our staff, Mr. Mercier.

MR. HOFFMAN: Thank you, Mr. Chairman.

CROSS-EXAMINATION

MR. MERCIER: Thank you. I'm just going to begin just going by some of the responses to the Council interrogatories just to clear up a couple of items I had questions on.

To begin with, actually Question 19 which had to do with a question regarding a Shade Study Analysis.

THE COURT REPORTER: Speak up, Mr. Mercier.

MR. MERCIER: Now, in the response it mentions there's 10 acres of clearing required for removal of trees for shading. That's in the lower part of the response. But the upper part of the response it states that due to shading the energy production would be reduced by about 4.2 percent based on an analysis conducted by the petitioner. So is the 4.2 percent before or after the clearing, the energy reduction? Even though you're going to clear 10 acres, is there still an additional reduction due to tree shading?

THE WITNESS (Kenney): I believe that the 4.2 percent reduction is after the clearing that we have proposed.

MR. MERCIER: Okay. Would it make any sense to do additional clearing to increase the production, or is that loss minimal over the size of this project?

THE WITNESS (Kenney): So as we say, it's typical to have some sort of loss due to shading. When we were siting the project, we did balance the desire to increase the energy production with some considerations regarding some of the trees that are on site, and we made the determination that it was appropriate to leave certain trees. And those trees would result in some level of shading, but they also provide some screening, visibility screening, and some of them are what we determined to be very valuable trees that we would prefer to remain on site. So we would propose to not do any additional clearing to increase production.

MR. MERCIER: Okay. I also saw in the petition -- I think it was on page 9 -- related to this that basically said you're going to have 100-foot cleared area on the east, south and west side of the edge of the fence which encloses the solar field. So that 100-foot buffer of clearing between the new forest edge and the fence, that

has to do with shading. Is that correct?

THE WITNESS (Kenney): That's correct, in general. There are some locations where we have left trees within that 100-foot buffer. For example, where we were today along Hoskins Road, the trees that are along the start of Country Road there, those will remain. So not in all cases have we cleared that 100-foot buffer.

MR. MERCIER: Okay. I'm looking at also the tree clearing map that was provided in Exhibit B, petition Exhibit B, that is. It shows the limits in pink. Now looking at the north edge --

THE CHAIRMAN: Mr. Hannon has a follow-up.

MR. HANNON: Thank you.

Regarding this 100-foot wide zone around the east, west and south sides of the project that will be cleared of vegetation and managed as meadow, what measures will be put in place to try and minimize or remove invasive species?

THE WITNESS (Moberg): We had anticipated that as part of the development and management plan we would develop an invasive

species management plan for the project that would become part of the operations and maintenance plan. So we haven't delved deeply at this point into invasive species control. The issue or the question has been brought up in a number of discussions, so we are aware and do anticipate the need to develop that plan.

But that being said, we expect at least once annually that those cleared areas would need to be mowed or maintained in some way to keep woody vegetation from growing back. So if it's an existing open area, such as the agricultural fields, we're expecting to plant that with some sort of a low-growing grass or herbaceous cover, and the areas that are currently wooded would be managed a little bit differently, essentially selecting for species that have a mature height under 20 feet. This is the kind of vegetation maintenance that is typically conducted by utility companies in the rights-of-way, so similar types of practices. But we expect that, when that work is being conducted, it would be a good time for observation or inspection for invasive species, and then potentially treatment at that time, whether it's removal, or some other kind of

treatment, but most likely physical removal.

MR. HANNON: I just wanted to make sure that that is not something that was going to be forgotten.

THE WITNESS (Moberg): Yeah. No, it's certainly been considered, yes. We just -- there was a lot in the petition already. So we expected we would be doing that as part of the D&M plan.

MR. HANNON: Okay. Thank you.

MR. MERCIER: To follow up on Mr. Hannon's question, in regards to the clearing, we just talked about the 100-foot buffer, and then some of the areas you're going to clear trees for the buffer, but you're not going to remove any stumps. Is it your intent when you do the initial clearing to remove the understory layer of things below 20 feet, any kind of shrubs, all that material will be removed or --

THE WITNESS (Moberg): No. I don't think we need to do that. Essentially the treed areas that would fall within that 100-foot buffer for shading, we don't want to grub or disturb the soil. This was an arrangement we came to with the State Historic Preservation Office, in essence. Some of those areas were considered to be

potentially archeologically significant in our phase 1A cultural resource survey, and this was an avoidance measure essentially. So if we cut the trees down but leave the stumps and avoid any significant soil disturbance, the State Historic Preservation officer concurred that that would be an appropriate mitigation measure. So we opted to apply that approach in all areas, not just the potentially archeologically significant areas.

So I don't think that we need to -- sorry if you can't hear me -- I don't think that we need to take down all the shrubs, essentially. We would leave whatever vegetation is lower than 20 feet. There are many species that get taller than your average shrub, but still top out at less than 20 feet. And so by selectively removing species that would grow taller than 20 feet, you ultimately, you know, develop a very dense cover of native vegetation that doesn't get so tall that it shades the project.

MR. MERCIER: Thank you. Now, for the north side of your solar fields, I see on the tree clearing map the edges there. I don't see a 100-foot buffer. Obviously, it's probably not needed because of the way the sun angles onto the

panels. Is that correct?

THE WITNESS (Kenney): That's correct.

MR. MERCIER: Do you know what the distance would be, say, from the fence line to the limit of clearing or limit of existing trees that would be retained on the north side? Is it something like 50 feet or 20 feet?

THE WITNESS (Moberg): I think it varies. In essence, some places there's a need for grading in order to build the perimeter road, and so in those areas there may be more tree clearing. In other areas there's that pink line that shows the proposed tree line actually identifies an existing tree line that's further away than we need it to be. So it's variable.

MR. MERCIER: I guess I'll just ask, looking at the north field, it says acres to be cleared 18.1 on the Exhibit B. Then I see the perimeter of the fence, and then I see the forest. I'm just wondering, are you accounting for any type of storms where it takes down trees and knock down into your fence and into your solar -- potentially hit the solar arrays? I just want to know what the distance was. Did you account for anything like that?

The other consideration was the ash trees die off, you know, you get dead ash trees surrounding the site potentially. I don't know what the type of forest there is, but that's also a concern of limbs and things blowing down onto your project. So I just want to know what steps are you going to do to ensure that there's no damage due to storms and dead fall.

THE WITNESS (Moberg): Okay. I don't believe that we specifically planned or accounted for wind fall on the project. One of the things that is typical, I think, for maintaining the limits of clearing is the removal of danger trees. So as part of our annual maintenance for the facility, that would be an inspection of the trees around the perimeter to assess the condition and the danger. So there may be some selective limbing or removal of trees, particularly if they are diseased or dying.

MR. MERCIER: Thank you. Staying with the tree clearing diagram, I understand you have to get the underground cables over to the Simsbury, North Simsbury Substation, which is along Dorset Crossing. However, I didn't see any tree clearing associated with that. Is there an

existing pathway or road through the forest that you're going to utilize, or is there going to have to be tree clearing to install that underground cable to the substation?

THE WITNESS (Kenney): So there is -- in some areas there is an existing pathway, but we did include a statement about the clearing that would be required in the actual petition, the clearing that would be required for the temporary tree clearing for the buried cable right-of-way.

MR. MERCIER: What type of equipment do you need to get in there? First of all, how wide is the pathway? Is it a small old road, like an old wood road?

THE WITNESS (Kenney): In some areas there's an existing road that would be wide enough, and other areas there's a walking path that we're going to try to follow. Not in all areas. In some areas we would have to create a pathway. So I'm just going to find the correct reference for the width. We gave it an average width.

MR. MERCIER: That's okay. If it's in there, I'll try to find it again.

I guess the only question I had was

ongoing, after the cable is installed, what type of maintenance you have to do in there. Are you just going to mow it into a -- keep it mowed down the length of the cable run?

THE WITNESS (Moberg): Right. One of the alternative routes, the southern route, is actually under an existing gravel farm road.

MR. MERCIER: Yes. I guess I'm on the northern route is my question.

THE WITNESS (Moberg): The northern route, it's currently an existing path. So to the extent that we have that minimal tree clearing, we would mow, yes, over that cable, typical right-of-way maintenance.

MR. MERCIER: Thank you.

THE WITNESS (Moberg): You're welcome.

MR. MERCIER: Moving on to Question 22. It has to do with the different types of racking for the project. Now, it states basically drilled concrete foundations would only be used if there's ledge encountered. Based on your available data, is there any particular area of the project site where there might be ledge?

THE WITNESS (Moberg): We haven't done geotech analyses yet, so we don't actually have

that kind of data, but based on the soil mapping and the soil test pits that we've conducted to date, no ledge has been encountered. So we're not really expecting it, but in the event that it's encountered, we would drill for those piles.

MR. MERCIER: Okay. When you install the piles, I think you mentioned in one of the interrogatories a type of equipment. I'm just trying to picture the equipment. Does it look like a drill rig, like a private well drill rig, something like that?

THE WITNESS (Moberg): It's small. The piece of equipment that we described -- you can actually Google it -- and it's about the size of a bobcat, or maybe a little bit bigger. It's relatively small equipment.

MR. MERCIER: Now, is it similar, like a hammering activity, is it repeated strikes onto to H-pile to drive it to the desired depth?

THE WITNESS (Moberg): Yes.

MR. MERCIER: And since it's a small bobcat, there's no like little defined access road or something you might need along the solar roads, or potential solar roads, to use this equipment, it can go over uneven terrain?

THE WITNESS (Moberg): Correct.

MR. MERCIER: Okay. For a project this size, there's basically three main -- three large fields. Do you anticipate having different drill rigs at different areas at the same time? When you build the project, are you going to start one in the north end and work south, or are you going to work all over the place?

THE WITNESS (Kenney): I don't think that's been completely determined yet, but I think that conceptually, you know, you would find a logical way to do it like that. At this point we don't know whether we would try to do drilling at more than one location at a time. That's something we would request flexibility on to determine and submit final details with the final design in the D&M plan.

MR. MERCIER: Once the racks are installed and you affix the panels to them and now you have the wiring, how is the wiring run along the panels? Is it below the panel edge down to a common point at the end of a row, or does it go directly down, say, on the H-frame racks. How's the wiring affixed?

THE WITNESS (Cote): Claude Cote. The

panels are DC. So as a general statement, the long rows that you see of the panels around the DC side, they tend to amalgamate the cables all the way down to the end of the row. At the end of the row you have a combiner box which combines the DC, brings it at that point from under the racks and under the panels through the combiner box underground to the recombiner, which is downstream at the next location, which is where the inverter is.

MR. MERCIER: For the downstream portions is the wire inside a concrete casing or something underground, or is it a tube?

THE WITNESS (Cote): It's generally a conduit. It's not concrete bed.

MR. MERCIER: So it's conduit directly into the ground?

THE WITNESS (Cote): It's in the racks to the end of the combiner where from that point forward it's underground in a conduit, which is PVC or metal, depending on the design.

THE WITNESS (Kenney): Just a point of clarification. For this project we're working with the construction. In our thinking about construction, we're unsure at this point whether

we would have a conduit in the roads. That's something that we, again, don't want to commit to today because we feel that we'd like to preserve as much as we can for future agricultural use, and we think that being able to just pull the cable right now out could be beneficial towards that future end use. So the determination as to whether or not this would be in a conduit is unknown at this time in the access road, the collection points.

MR. MERCIER: Okay. Thank you.

THE CHAIRMAN: I have another follow-up.

MR. HANNON: As far as whether the wire is in a conduit or not, isn't that going to be left up to the building official?

THE WITNESS (Cote): It depends. If you use -- there are two types of wiring schemes that you can use. You can use a direct burial cable, and you can use direct burial cable from the combiner box to the recombiner. If you use a different type of cable, you have to use conduit. It's between, you know, the design which you choose, but it has to meet the National Electrical Code. So it's NEC requirements you have to do A

or you have to do B. But either way you take it from the point on a direct burial cable, or you take it in a conduit.

MR. HANNON: So then it sounds like a final decision has to be made as to the type of wire that will be used on the project. Is that correct?

THE WITNESS (Kenney): We don't know yet exactly which wire would be used. Just to clarify, it may be the kind that's in the conduit, or we may go with the direct bury for that portion.

MR. HANNON: Okay. Thank you.

MR. MERCIER: When you're installing the H-frames -- we talked about the bobcat, similar equipment -- what other equipment will be used? When you're installing the actual solar arrays and the conduit, what type of vehicles would be driving around the fields to install the equipment and associated gear, pickup trucks, dump trucks, what type of --

THE WITNESS (Kenney): Sure. So we expect that the panels and the equipment would be delivered to site on a large truck, something like an 18 wheeler would come and drop the equipment

off to a staging area. From there it would be delivered on site on pickup trucks, larger pickup trucks that would bring it to specific locations, and then the smaller equipment would then install the actual equipment. There's a lot of this that's actually done by hand. So when the panels are brought, they're actually lifted onto the H-frames by hand and installed by hand. Some of it's done with the bobcat type equipment.

MR. MERCIER: Now, in Response 25 that had to do with the width of the post-construction access road. And I believe I think you stated here the Town of Simsbury wanted a wider road, and the petitioner stated 12 feet would suffice for post-construction. What about during construction, what's the width of the road you might need for actual construction with this equipment, 18 wheelers and whatever?

THE WITNESS (Kenney): So the staging area has not been determined, the final location, but it's likely to be in the area of Hoskins Road where we were today. So there wouldn't need to be access across the site for a larger piece of equipment like an 18 wheeler. So when we think about construction access, we're thinking about,

you know, the Ford F350, F250, kind of that size truck that would be transiting the site.

So we would likely prepare temporary construction roads that would bring the equipment through the site. We haven't determined the final need for the width of those roads, but we are sensitive, especially to the residents in the Litchfield Drive area, we're sensitive to over widening that road. That's an existing agricultural road that we plan to use. It's currently used as an access point for agricultural activities. That's an area where we're particularly sensitive to the final size of the road. So that's something that we would work closely with the first responders to determine what the final need is, and then we would work with our construction contractor to try to not make that road any wider than what the final road needs to be.

MR. MERCIER: You say that. But is it your belief that the current road around Litchfield Drive into the north field area, is that sufficient width for this type of construction?

THE WITNESS (Kenney): Currently the

road is quite rutted out, so it would definitely need to be enhanced and likely widened. Sue can probably speak to the current width and the needed width.

THE WITNESS (Moberg): It's actually variable the current width. I mean, I don't know, some people in the room have probably been down that road, but it's variable. Originally our design and the design that was filed with this application calls for a 20-foot wide road, so we would be doing some nominal widening of that existing road.

Since that time we've been going through this process, like Aileen described, where we are looking at trying to decrease the permanent future width of that road, and we feel that we can do it. We haven't re-engaged in conversation with the first responders, the fire department, and emergency rescue yet, so we still need to do that, but we think in a couple of locations if we have a pull-off so vehicles can, you know, be traversing in both directions, that that would for our purposes be sufficient. And so we think we can actually decrease the width of the existing road in some places, and it would still be sufficient

for the purposes of this project.

THE CHAIRMAN: Mr. Silvestri has a follow-up.

MR. SILVESTRI: Thank you, Mr. Chairman. I didn't quite understand the answer to 25, so I'm going to ask it again, if you will. It says, "A post-construction road width of 20 feet is not required. However, based on the project team's conversations with first responders, this width is preferred."

And then if you go to the end of it, it says, "The minimum road width for post-construction use is approximately 12 feet."

So it kind of went down from the proposed, yeah, 20 is nice, to 12, but there's a caveat there that says, "however this width is not achievable in all areas due to safety and accessibility concerns."

Does that mean you'd want to make it bigger than 12?

THE WITNESS (Moberg): I think those are the areas I was referring to where there would be a pull-out so that vehicles could -- you know, if you've ever driven in Scotland, that's the way they do it there. You're driving along, and

there's a pull-out so that the oncoming vehicle can go past. That's the type of thing where it would be wider than 12 feet.

MR. SILVESTRI: What I was looking at is first responders generally have wide vehicles.

THE WITNESS (Moberg): Right.

MR. SILVESTRI: And would a 12-foot road accommodate a wide vehicle, a fire truck, an ambulance, that type of thing? I don't think it would.

THE WITNESS (Moberg): Maybe, Paul, you could answer this. But there's a software we use called AutoTURN that basically models vehicles, different size vehicles traveling around a site. If you think about like a shopping center or something, you've got parking islands and different size vehicles, whether it's a car or an 18 wheeler, and you can model the movements of those vehicles around a site and determine where you need to have a wider road or a smaller island in your parking lot. So we did actually go through that process modeling the movement of the fire truck that the Town of Simsbury currently owns. And based on that analysis, it appears feasible to make the road 12 feet wide.

MR. SILVESTRI: And still fit a fire truck?

THE WITNESS (Kenney): We still have to consult with the first responders on any change like that. So at this point our petition is for the 20-foot road with a commitment to work with the first responders to try to come to some accommodation of a smaller road, if feasible.

MR. SILVESTRI: Thank you, Mr. Chairman.

MR. MERCIER: Now, going to response 34, this had to do with the 7-foot tall fence enclosing the project site in most areas. Is it a code requirement to actually enclose a solar field, or just enclose the electrical transformers and inverters?

THE WITNESS (Cote): Under the National Electrical Code basically you have two options. When you have energized electrical conductors associated with the generation of power, you need to isolate it with security and fencing. The fencing you have, basically it's a little ambiguous in the code, but basically it comes down to two options. You can put in a 6-foot fence with a barbed wire one-foot rack back, or you can

put in a 7-foot chain link type fence. The perimeter of the generating facility has to be isolated from pedestrian traffic, you know, trespassers, people who may come in and stuff to, in essence, isolate your power generation. So that's what you come down to.

The choice was made in this particular case that rather than do the barbed wire option on the 6-footer, that there would be a 7-foot fence which is chain link which is, in essence, code driven.

MR. MERCIER: I saw in the plans some location you may have a, I think, a 10-foot vinyl fence. Is that also code compliant?

THE WITNESS (Cote): My understanding -- let me shift this off to the left here. My understanding is, is that some of the vinyl fences and some of the other fences are aesthetically driven. From the core power generation side, you have a chain link type fence of the type that I described. Exterior to that for aesthetic purposes, or neighborhood purposes, you may have additional buffer screening or other fences which are not associated with that but are exterior to that for aesthetic values.

MR. MERCIER: Okay. I didn't understand that. So you essentially will have two fences in certain locations for aesthetic purposes?

THE WITNESS (Cote): Correct.

MR. MERCIER: Okay.

THE CHAIRMAN: Follow-up from Mr. Lynch.

MR. LYNCH: This is more or less hearsay. I'm not a hunter. But Mr. Hannon and I were on a field review a couple months back, and we were told from the individuals doing the field review for a solar facility that deer can jump a 7-foot fence. And my question really is, do you have any clarification for that?

THE WITNESS (Cote): I'll ask Sue to answer this question but, in essence, when the site is postulating is that there are pathways through between discontinuous portions of the site that allow for, in essence, a pathway through for travel for animals. Whether a deer can or can't jump a 7-foot fence is beyond my personal knowledge, to be candid.

MR. LYNCH: That was just to inquire, you know, like follow-up, because we had heard it

before. Thank you.

THE WITNESS (Moberg): Sorry. So I think Claude was saying that we can make provisions for trapped wildlife to get out of the fenced area. I think the purpose of the fence is to keep unauthorized people from entering the facility. If a deer inadvertently jumps the fence, or purposefully jumps the fence, some facilities do have ramps or other types of structures on the inside of that security fence that allows the wildlife to walk up the ramp and jump back to the outside. They have to want to do it, obviously, but we could do that here. I don't think that we had thought that far into it.

MR. MERCIER: Staying with the 7-foot fence, is it being designed so there's a 6-inch gap for small animals between the ground surface and lower fence edge?

THE WITNESS (Cote): Generally a security fence goes basically to the ground. It may have a small clearance, but you're not going to find a whole lot of clearance underneath, because it defeats the purpose of a security fence.

MR. MERCIER: I was wondering if that

was part of the code, you have to bring it almost to the ground, just because other projects I have done in the past they sometimes have a wildlife gap, they call it, an area underneath, like 6 inches, so something can get under.

THE WITNESS (Cote): If you look at the NEC -- I don't have the section in front of me -- basically it calls for a barrier fence for security purposes. It has no anticipation of cutouts or small wildlife travel. It's for purposes of site security, in essence, to prevent transport of trespassers into the facility or anything similar to that. So anything that would deviate from the security purpose isn't contemplated in the code, to be candid with you.

MR. MERCIER: Okay. Thank you. Just out of curiosity, is Deepwater aware of any projects, maybe similar construction, where you have exterior wires along the racks, of any animals chewing on wires, you know, destroying equipment, things of that nature?

THE WITNESS (Cote): Chewing on the wires?

MR. MERCIER: Yes. Have you heard anything from other solar providers --

THE WITNESS (Cote): I have been involved in many solar facilities, as well as wind facilities, and you tend, because they're in relatively isolated areas, rural areas, you tend not to have animals or animal infiltration into the metal or whatever. I mean, there's vegetative matter everywhere, so chewing on or digging wires or whatever is not generally a problem that you have. The problems that you have with your wire configurations would be erosion, or plows in the wintertime, or some type of mechanical infiltration.

MR. MERCIER: Thank you.

THE CHAIRMAN: If I were a witness, which I am not, I might testify to an example of an animal getting on a roof and chewing wires and wiping out a solar facility, but I'm not a witness.

MR. MERCIER: I'm going to proceed to Question 44 and actually look at Petition Exhibit C. There is project site plans in there. Just in general on these plans I saw obviously a 100-foot wetland buffer, and then I saw another buffer. It said 200-foot wetland buffer. So I wasn't sure of the significance of the 200-foot wetland buffer.

THE WITNESS (Moberg): Yeah. So our understanding is that the Town of Simsbury Inland Wetlands Commission regulates an area in excess of 100 feet, which is typical across the state. And the ordinance references in areas of steep slopes there is an additional buffer added, and also in areas of erodible soils, and that those areas are depicted on a map that you can go view at the town.

For the purposes of developing our earliest concept, we used 100 feet. And then when this new information came to light, we added the 200-foot line on because that, based on our interpretation of the ordinance, was the greatest buffer that the Conservation Commission would regulate if they were regulating this project. So that enabled us to take a look at what kind of activity we were having within that area.

MR. MERCIER: Thank you for that.

I'm going to turn to page 5.2, C-5.2. I guess it actually was part of my Question 44. On page C-5.2, there's a sediment trap shown on the northeast corner kind of at the base of an area of grading. There's a square area called sediment trap.

I guess my question is, what comes first here, is it the grading, or is it the sediment trap? I don't really understand how you could do both. So if someone could explain how that would be constructed, and how it's phased to control bare soils there?

THE WITNESS (Vitaliano): The sediment trap obviously is something you would want to establish first, but kind of in conjunction with the grading that you're going to do. Obviously you want to minimize the amount of exposed area so that the trap is established and ready to receive the runoff. So I guess the safe answer is to say they're in conjunction, but realistically what you want to do is try to establish the trap as soon as you can. I understand that that particular -- this particular one that you pointed out is in an area of grading that makes it hard or difficult to do that. So I would just say that we would probably look at that in more detail to determine how to install that.

THE WITNESS (Moberg): Another thing that you might want to consider and that we will definitely be considering is that during construction you may install an initial sediment

trap to trap sediment that could be disturbed during tree clearing activities, and then you might conduct your rating and then come back and build another sediment trap. So it's not kind of a this is what we're doing, and this is all we're ever going to do. And so you have this chicken and the egg kind of situation. So there could be iterations of construction of sediment traps or other erosion control facilities, and that would be part of the function of the inspectors on the site to make sure that the erosion controls are maintained or augmented, as necessary, during construction to allow or retain sediment on the site.

THE CHAIRMAN: We have follow-up. First Mr. Hannon, and then Mr. Harder.

MR. HANNON: My question goes back a couple of pages to map C-5.2, the same type of issue. You've got some significant grading, and yet you've got a temporary sediment basin that is built into the hill. There's about maybe a 12-foot elevation difference. I don't understand how you're proposing to put that in.

THE WITNESS (Moberg): I think that's the same plan sheet that Bob was just referring

to.

MR. HANNON: He was at 5.4.

THE WITNESS (Moberg): Oh, okay.

MR. MERCIER: 5.4 was also another one I marked.

THE WITNESS (Moberg): Okay.

MR. MERCIER: But this question pertains to both.

MR. HANNON: Also part of my concern on this is that the area that you're talking about is 26.1 acres. So that's getting well above the 5 acres that Deep is looking at as far as the stormwater general permit, things of that nature. So in addition to having this to me what looks like sort of an unruly temporary sediment basin, you're also not addressing the balance of the site or raising again with roughly the 5 acre element. So that's part of what my question is in this area.

THE WITNESS (Vitaliano): I think, as Sue mentioned, that's something that the trap would probably be -- there will be intermediate traps leading to that final location. Keep in mind that 26 acres is a contributing area, not necessarily the exposed area. So it's really the

drainage area that goes to that spot. It doesn't mean that that 26 acres would be exposed at one time to drain to that spot, but we do acknowledge that as we develop the plan that areas such as that will have to be looked at to develop probably more intermediate phases in different locations for traps and basins.

MR. HANNON: I was just trying to make sure that that ends up getting looked at because there are a number of spots that exceed the 5 acres. Thank you.

MR. HARDER: Regarding sediment traps and basins, could you explain how you differentiate trap from basin, and how you decide to use one versus the other? Is it just simply the size of the drainage area?

THE WITNESS (Moberg): Let me defer that to Paul.

THE WITNESS (Vitaliano): Yes, the trap is meant for an area of one acre or less.

MR. HARDER: Excuse me. Is the structure or the system basically the same, ones just a larger version of the other?

THE WITNESS (Vitaliano): It's a little more -- so the trap is based on -- the size is

based on the volume, the area that goes to it. The sediment basin is a little more detailed because it has a design discharge to it, so it's for a larger area. I believe we did explain -- we did explain that where the sediment traps are for 1 to 5 acres, and greater than 5 acres are the basin. So the 1 to 5 acres is based -- a trap of 5 acres is going to be larger than a trap that's received one acre of land. It's a certain volume per area contributing to it. And it really is a collection point for that flow. The sediment basin is a much more detailed design because it is larger so it has a stage release from it, so you're actually designing an outlet to it as well. So it's meant to be for larger areas.

MR. HARDER: Okay. In Exhibit L, I guess, in the stormwater pollution prevention plan there was a comment that additional basins may be needed depending on phasing. And I'm wondering at what point would the determination be made that additional basins -- I guess what point in the sequence of activity would that decision be made? I'm assuming it would be made early in the process, not after a problem occurs?

THE WITNESS (Moberg): We would expect

to put a lot more thought into this during the development and management plan phase of this process. I think that for these plans we were trying to represent where sediment traps would likely be, but the phasing is clearly something that is important, and we need a much more detailed approach to that. So we fully anticipate doing that for the development and management plan. So definitely prior to the commencement of construction.

THE WITNESS (Vitaliano): And also if I could add to that? We are going to submit for a Connecticut -- for a general permit with the DEP because of the level of disturbance so that would have to be -- to your comment about obviously do this prior to an issue, yes, we'd have to obviously design that prior to submitting it for a permit as well.

MR. HARDER: The last question I have on this issue is -- I'm not sure where this comment was, but somewhere you made the comment that temporary sed basins and traps would be removed once the tributary areas are stabilized. And I guess I'm wondering what your definition of stabilized is. I'm wondering, I guess, one

question is, how do you remove them? Are you just talking about maybe not maintaining them? And if that's the case, why? What's the harm in leaving them there? I think we've probably all seen sites where there's nice grass growing and you get a storm and it washes a lot of the soil and grass and whatever because the flow is just too much and you would need something to collect the sediment. So I'm wondering why you would -- some of these look like they'd be in areas where there would be no harm in leaving them, and I'm wondering why they would propose to remove them, whatever that means?

THE WITNESS (Vitaliano): The intent is to remove them. Basically once the site is stabilized with ground cover, we wouldn't anticipate having that need to collect. We wouldn't have sediment transport, so we wouldn't see the need to basically have a basin to collect that. These areas, a lot of these areas such as the one that we were just talking about, are areas that will be used with panels. There will be panels in those locations in some of these. So it really is a matter of once we establish that vegetation, we don't feel that there will be the

threat of sediment transport to these basins and traps.

MR. HARDER: Okay. Thank you.

MR. MERCIER: For the final ground cover in the solar field area, what is that mix, is it low-mow mix, or grass?

THE WITNESS (Peterson): Yeah, we're actually still looking at that. The soils vary across the site, much of the land being droughty, and we'd be looking at a mix that would be suitable for soils that are droughty, a low-mow mix or a native grass, a warm season grass mix in those areas potentially. We're also looking at cool season grasses. There are other soils that are well drained, but not as droughty where a mix of cool season grasses and clover may be suitable, but certainly we don't want to introduce grasses that will need frequent maintenance or large inputs of nutrients.

MR. MERCIER: Okay. Because I did see that you were hoping to mow this once a year, the solar field, once the grass is established. Is that right?

THE WITNESS (Kenney): I would say we're not hoping to mow it. I'd say at least once

a year. It will be mowed more, if necessary.

MR. MERCIER: Okay. Because when I look at the low-mow grass, I think of low-growth grass. So nothing is really going to establish if it's really poor soils or -- how confident are you the root mass is going to establish after you install the solar panels and then throw the seed down? And how much is it going to take before there's some good absorption to prevent runoff off the site I guess is my question?

THE WITNESS (Moberg): So the site will be hydroseeded. So hydroseeding includes a mixture of seed mix and chopped fiber, sometimes green die also. That's why it looks green. Right? But that chopped fiber includes tackifier, and that causes it all to sort of stick together to the ground. And so the seed mixture, any seed mixture you would use to establish a grass cover on any construction site, would include quickly germinating species like annual rye. I mean, that's pretty much the most common seed that's used on construction sites to get cover going. It will even germinate in the winter, if it's not too cold. If you get a sunny day and the ground is not frozen, you can still get annual rye to sprout

in the winter. We're not counting on that, but it could happen. We're expecting that we'll be following the time of year restrictions associated with the stormwater general permit. But the seed mixture would include, like I said, probably annual rye, and then whatever other species that we ultimately want to have growing on the site.

Does that answer your question?

MR. MERCIER: I assume so. I guess -- yes.

THE WITNESS (Moberg): Okay.

MR. MERCIER: For areas under the panels, how are you going to get grass to grow if there's not enough sunlight throughout the day to cause it -- there are areas that grow more quickly than underneath the panels. So what can be done about that situation?

THE WITNESS (Moberg): I think one of our interrogatory responses indicated that we were expecting to seed this site before installing the project. So, in essence, if you go out there now -- we were out there today -- there's an awful lot of disturbed soil on the site right now and, you know, perhaps there will be another crop planted this year, but maybe not. And that's sort

of the general condition of this site as it occurs presently. So for us it's in our best advantage to get a permanent or nearly permanent cover crop on that site as soon as possible so that we're not, you know, mired down in the mud when we're trying to build this thing.

And so, you know, we expect that the seed mix will include a variety of seeds that, you know, some will compete better in shady locations, and others will compete better in sunny locations. So, you know, and realistically it's not going to be like the dark side of the moon under those panels. There will be incidental light that will make it to the ground from both the north and the south sides. So sure, it's not going to be brilliant sunlight hitting the ground in all areas. But any gardener knows, the bane of the gardener's existence is dry shade. We'll have some of that. But there's a lot of seed mixes and other plants that are, you know, they naturally select for those conditions.

MR. MERCIER: Okay. You had just mentioned you might plant before heavy construction. But was it really a concern of vehicles driving on it and rutting the soil and

killing the grass in certain areas and causing channelization? Could that be a problem?

THE WITNESS (Moberg): It's definitely a possibility, you know, and it would be equally possible that those ruts would occur if we didn't seed ahead of time. So we feel like, you know, it's the best insurance for us to stabilize the site before we start. And if we need to touch it up afterwards or broadcast a whole new seed application over the whole site, that's what we need to do, and that's what will happen.

MR. MERCIER: Thank you. Going back to sheet 5.2, we talked about the sediment trap and that weird grading area. I was looking back at the plan 3.2, and it essentially shows rows of panels on that graded area, even where the trap is. So I guess my question is, after you hydroseed and try to get some grass established, now you have rows of panels running east-west and the drainage area going a little bit to the north-east, so when it rains are you concerned about large amounts of water coming off that drip edge and then falling along the drip edge and then falling downhill into the brook? I mean, I don't see any post-construction control for that area.

So would a post-construction basin of some sort be beneficial or be required or --

THE WITNESS (Vitaliano): We have a vegetative strip on the other side of the wall. It's something we'll look at in more detail, but the intent was that at that point, as I mentioned, when we're more stabilized that area that potentially could have sediment gets smaller and smaller as we work our way closer to the road, and then there's a vegetative strip on the other side of the road to stop pollutants before they get to the wetlands.

MR. MERCIER: All right. So the runoff would -- there's many roads there, but going down that down slope I was just talking about, the runoff could channelize and hit the road. And so the road acts as a barrier, is that what you stated, thinking of, you know, a heavy rainstorm?

THE WITNESS (Vitaliano): Yeah. What we tried to do is not have points of concentration with the grading as it approaches the road. So we tried to spread out the contours so that the road itself does act more as a level spreader. And then also there is the wooded area between the road and the wetland that would trap pollutants as

well. And also with the road, the road will provide some sediment collection because it's stone.

MR. MERCIER: I'm just looking at the contours. It just looks like -- it's kind of like a circle, everything is being concentrated right into one spot, and then it's going to discharge.

THE WITNESS (Vitaliano): Yeah, I think the scale -- I'm sorry.

MR. MERCIER: That was my only concern, whether that was examined in detail.

THE WITNESS (Vitaliano): Right. You're correct. And that is an area that we focused on. We noticed that as well, obviously. It's really the scale of the plan is a little deceiving. That area basically where that 242 contour is, is about 50 feet wide. So it isn't concentrating to a 10-foot wide swale or anything like that. It's still a 50-foot wide dispersion area.

THE WITNESS (Moberg): I think one of the things that Paul and I discussed and struggled with early on when we were developing this grading was to actually broaden out areas of existing channelization where the fields are directing

runoff to like, you know, currently there's 26 or more acres all draining to one point. And we actually took this opportunity to spread that out over a larger area to try to avoid concentrating the runoff to one design point. Because it is a large area, and that was immediately a concern of mine, you know, where we're disturbing this area, the brook is right there 100 or so feet away, and we wanted to make sure that we were not creating a, you know, challenging situation to manage either during construction or after construction.

THE CHAIRMAN: Mr. Harder has a follow-up.

MR. HARDER: Following up on this -- maybe you don't know the answer to this now, but you'd have to get back to us -- do you know how much power generation you would lose if we said that you had to keep all the sediment basins? And I don't know. I guess I don't want to say that I could sit here and say absolutely all of them should be retained, but on the other hand, going to the other extreme and saying you're going to eliminate all of them just doesn't make sense to me. And so I guess obviously I assume that would be the primary issue for you folks would be

whatever loss of power generation you'd realize. And so I'm wondering how much that would be?

THE WITNESS (Moberg): I think we don't know how much we would lose if we kept those basins and we were sure that it precluded the use of that area for any kind of detention. So I guess can we take that as like a data request or something and get back to you with some more information on that?

MR. HARDER: Sure. Thank you.

THE CHAIRMAN: And another follow-up. Mr. Hannon.

MR. HANNON: Thank you. Just to follow up on what was being discussed a little earlier about the grasses and things of that nature. One of the things that you state in the application under project benefits is maintain soil fertility by including species such as alfalfa and white clover that will fix atmospheric nitrogen and help, but yet I haven't heard anybody talk about any of that stuff. You're talking about just using grass. And so can you please provide a little more detail on that? Because I think that's one of the issues that surrounds this project.

THE WITNESS (Peterson): Yeah. We mentioned legumes and clover and, you know, there's many native species, as well as cultivated species, that fix nitrogen. Some of the native ones for dry sites would be white sweet clover, Melilotus. That wasn't listed in the response, but that would be something that would be within a native dry seed mix. In those areas where the soils have -- they're well drained and have an adequate moisture holding capacity, species like red and white clover could be planted, along with the grasses.

You know, the nitrogen fixing there helps support the grass growth compared to an agriculture system that's tilled where the nutrients are taken off the site with each harvest. Grasslands very tightly cycle nutrients, and the rooting depths are considerably greater with some native grasses, and that's why they're more suitable for the dryer sites. You know, the cover and the richness of some of the cool season grasses provides a quicker cover on some of the more fertile sites.

We still need to -- we've done some initial soil testing and to look at amendments for

getting these areas started, but surely we look to use a species that will fix nitrogen to minimize any need for inputs in the future.

MR. HANNON: Okay. Thank you.

MR. MERCIER: A quick question on Exhibit L. That was the stormwater analysis. I just want to confirm that you used a, for the modeling, a 24-hour rain event, like a two-year, a five-year -- excuse me, 2, 10, 25 and 100-year rain events over a 24-hour period. Is that correct?

THE WITNESS (Vitaliano): I was hoping to find more specific data type, but yes, that is standard, and that is what we did. I was hoping to point it out in the table. If you give me a moment, I can. But yes --

MR. MERCIER: That's okay. I just want to know was there any other type of modeling done for like short duration, high rainfall events where you get more than an inch an hour?

THE WITNESS (Vitaliano): No.

MR. MERCIER: Is that not typically done?

THE WITNESS (Vitaliano): I've never been asked to do that before. I can say that.

MR. MERCIER: Now, is this analysis, is this suitable for the Deep's general permit requirements?

THE WITNESS (Vitaliano): We believe it is. It would need to be supplemented with some other information.

MR. MERCIER: Right. I guess I'll rephrase that. Just stating the 24-hour rain events, is that what they usually use to design stormwater features?

THE WITNESS (Vitaliano): Yes, it is.

MR. MERCIER: Okay. Thank you.

THE CHAIRMAN: Mr. Silvestri has a follow-up.

MR. SILVESTRI: Just a follow-up to the 24-hour thing. We've seen very recently in Connecticut and Northern Connecticut and Southern Massachusetts, you know, four to five inches of rain in a very, very short period of time. And my concern is that these events happen more frequently now than just, oh, it's a one occurrence. So I'm looking at the modeling, again, that was done, and it's only based on 24. I don't think it goes far enough because of the deluge events that we have been getting. So I'd

like to see that considered both for construction and operation of the project, should it be approved, that we really look at deluge and see what type of impact because we have so much acreage that's there.

The related question I have on that is when you look at the Exhibit O, and it's page 16 that I'm referencing in specific, it says, "For storms that end on a weekend, holiday or other time after normal working hours, an inspection is required within 24 hours only for storms that equal or exceed 0.5 inches." And that's a quote right out of page 16.

So my concern is that in a deluge event that occurs during a weekend precipitation event, the inspection will not happen according to that statement for perhaps 24 hours later, and a lot of damage could occur without sufficiently timed inspections and response. So I'd like you to consider that as well as the deluge issues as to when you really need to go out and inspect these to make sure we don't have any issues.

THE WITNESS (Moberg): If I could just give a partial response to that at this time? When we're conducting inspections, Jeff and I, and

Paul, we actually have multiple sites we're monitoring on an ongoing basis, and it's customary for us to be watching the weather for a couple of reasons. One, we want to make sure that the sites are prepared in advance of a deluge like we've been experiencing. So the best defense is a good offense. Right? And then I guess the other side of that is more mercenary from our perspective. If we have to go out twice in one week, it's more resources, and it may not actually be consistent with the budget for these projects, not this one, for instance, but other times it's --

So we try to plan ahead and also make sure that the sites are, you know, that there is adequate measures in place. We have a standard operating procedure that we use where we never wait until the end of the week to do an inspection. It's always on Monday, Tuesday or Wednesday so that the contractor then has an opportunity to make corrective actions before the weekend so you're not sort of scrambling around as an afterthought trying to be prepared. So but we will certainly look at modeling those events that you asked for.

MR. SILVESTRI: There's an old

commercial that's out there dealing with automotive oil filters. And the way the commercial goes is, you can pay me now, or you can pay me later. And again, getting back to your comment on the budget, if you do something proactively, you can stay on top of it, it's probably much less expensive than if something happens and you've got to go and repair the damage.

THE WITNESS (Moberg): Absolutely.

MR. SILVESTRI: Thank you, Mr. Chairman.

THE CHAIRMAN: I think Mr. Hannon also had a follow-up.

MR. HANNON: Thank you, Mr. Chairman.

In dealing with the hydrologic analysis, you talk about the pre and post-development hydrologic models indicate that the peak runoff rates from the site will be reduced at all design points. My take from what I've seen is many people don't particularly care about when the peak flow hits. I understand the numbers are lower. But have you done the calculations to determine how much water is coming off the site, and whether or not there will be

more water in total coming off the site?

THE WITNESS (Vitaliano): That volume calc -- basically there's two things you look at. One is peak rate runoff, which you're correct, that's what most people focus on, and not everyone asks about the volume. That volume is in our data. It's not something that was summarized in the body of the report because it's not a common question. It's a good one, but it's not a common one, so it wasn't in the report. That data is there. I would need some time to go through that to look through those numbers and provide an answer to that.

MR. HANNON: That would be appreciated because that's more of the neighbors' question --

THE WITNESS (Vitaliano): Sure.

MR. HANNON: -- in all honesty. Thank you.

MR. MERCIER: Just to follow up on Mr. Silvestri's comment. Is it uncommon even to go out during a high intensity storm and actually during the storm look at the runoff erosion controls during construction? And do you think that would be beneficial so if there's a breach right then and there during a two, three,

four-inch thunderstorm someone could actually do something?

THE WITNESS (Moberg): I think if you had resources available to try to make a difference, then yes it would be worthwhile. If an inspector was going out and inspecting, they would see what was happening, but they may be inadequately prepared to affect a change.

So I think what Aileen just asked me was, you know, why can't we make them go out on the weekend. And we can. That's in our ability to require that of the contractor providing the stormwater inspection services to go out during the storm.

MR. MERCIER: Is there anybody else on site during construction that's qualified to look at the stormwater controls, or is it just the inspector --

THE COURT REPORTER: On site during?

MR. MERCIER: Construction activities. Is there anybody qualified to actually inspect the controls, or is that only your task?

THE WITNESS (Moberg): No, we would anticipate -- and I think this was in one of our interrogatory responses -- we would anticipate

that there would be a number of individuals that would be trained to perform inspections. So one of the things that we expect to do as part of our contractor training is to provide compliance training to the contractors and all the personnel, letting them know what all of the concerns are, all of our permit conditions, all of our mitigation commitments, and some training about how to observe whether erosion controls are functioning effectively or if they need to be repaired. So that kind of inspection could happen on a daily basis at the most basic level with the construction workers.

The construction contractor can also have an individual whose job it is to inspect frequently. It's been our experience, or my experience on other sites, that that is sometimes a conflict of interest. So we would expect that the contractor would hire an independent inspector to perform those inspections and that the owner, Deepwater, would have their own representative that would oversee the third-party inspector or the contractor's independently hired consultant inspector. So there would be, I think, opportunities at a number of levels to be

performing inspections, but at a minimum there would be specifically trained professionals who routinely do this kind of inspection overseeing the big picture.

THE CHAIRMAN: Mr. Silvestri.

MR. SILVESTRI: I want to go back to your choice of words.

THE WITNESS (Moberg): Okay.

MR. SILVESTRI: When you said that you would expect that the contractor would do X, Y and Z, would you mandate that the contractor do X, Y and Z?

THE WITNESS (Moberg): Yes.

THE WITNESS (Kenney): Deepwater would require as a stipulation of the construction procurement that there be a third-party inspector hired to oversee stormwater. And we would make a determination -- it hasn't been made yet -- whether we would hire that person directly, or we would allow the contractor to hire it and they would report to us.

MR. SILVESTRI: But it would be done?

THE WITNESS (Kenney): Yes.

MR. SILVESTRI: Thank you.

MR. MERCIER: Just out of curiosity, is

there Saturday work on this project, is that anticipated, Saturday or Sunday for that matter?

THE WITNESS (Kenney): I think it hasn't been determined yet whether or not there would be work on the weekends on this project.

MR. MERCIER: I'm going to flip to Petition Exhibit D. Towards the middle there's several slides that show modifications to the project based on area neighborhood concerns. So I just had a couple of questions on these panels. I'll call them panels.

For the first one it says Hoskins Road original proposal, and then you flip the page and it shows the key changes. Looking at the key changes, I see you moved it away from the road. What was the reason for the shift away from the road? What was the specific concern?

THE WITNESS (Kenney): So we heard from residents at the meeting that they would like us to maintain some of the visibility for the existing landscape. When they drive down County and Hoskins Road, the view, that they'd like to see some of the existing field. And with that change we were also able to keep some of the wooded area. So we were able to move the panels,

the project back, which helped with the visibility, and it also allowed us to keep wooded area.

The other key change we made there was on the northern side we moved the project limits north, which allowed us to keep both of the existing barns that are along Hoskins Road.

MR. MERCIER: I guess looking at the panels, there's a house surrounded by some agricultural fields and your panels are on the east and south sides. Is that 85 Hoskins? Does anybody know that address offhand?

THE WITNESS (Kenney): I believe it is, yes.

MR. MERCIER: Okay. Is there any opportunity to move the panels south of the house back over to where the road is? I mean, is that something you would consider if it helped any concerns with 85 Hoskins? You know, because basically there's panels on two sides of that house, and so perhaps it's beneficial to get away from this property and put it back towards the road.

THE WITNESS (Kenney): We can review that.

MR. MERCIER: Also, looking at these changes, I notice where it says key changes to the second panel, where it says County Road, there's a new access coming in near an abutting property. Is there any reason why that was placed right at that location?

THE WITNESS (Kenney): That's actually -- there's an existing access point there that's currently used as an agricultural access point. That would be the same access point. We did, after discussions with the landowners, in the actual petition we have shifted the construction access point to in between the two barns, and then we would just use that existing access point during operations.

MR. MERCIER: I was just trying to figure out on all these various maps which ones we use for construction. So you just clarified that for me. So between the two barns for this particular area going northward, they'll use the existing access there, kind of where we met today at the field review?

THE WITNESS (Kenney): Correct.

MR. MERCIER: For construction.

THE WITNESS (Kenney): Yeah. And I can

actually give a better reference to a figure that shows that for the record. In the project layout map, which is in Exhibit B --

MR. MERCIER: Yes, I have it.

THE WITNESS (Kenney): -- in that you'll see that there is a proposed road that is located where the blue dots are, which are the potential cable route.

MR. MERCIER: Yes.

THE WITNESS (Kenney): That road there would be used for construction purposes. The existing agricultural access point to the northwest would not be used during construction. It would only be used during operation.

MR. MERCIER: Thank you very much.

Now, for the proposed layout here on the south field -- that's the field we just talked about, 85 Hoskins -- the proposed layout, what type of fencing or landscaping is there with people driving by? I understand you moved it back 50 feet or so. Was there anything proposed so people driving by -- are they going to see panels? Are they going to see a fence?

THE WITNESS (Kenney): So we would refer to the visibility exhibit. And I'm going to

turn it over to Gordon Perkins to walk us through what we've proposed there. But that exhibit is Exhibit G where there is a rendering and some discussion about that.

THE WITNESS (Perkins): Can you repeat the exact location again, please?

MR. MERCIER: Okay. Thank you. I see it actually. Thank you for pointing that out.

So, looking at this, I guess all I'm asking is, you know, people are going to see a fence and some bushes, but why not just move it closer to the road and try to remove some of the panels behind that person's home.

I guess I'll flip on through Exhibit D now. There's Berkshire Way, key changes. I don't really have any questions on that.

The next one, it's called Litchfield Drive, original proposal, and key changes. I have a couple of questions on that. I'm looking at the key changes, and I'm looking at the County Road access, and it kind of shows a diagonal line going up through some woods. Is that the proper alignment of the construction access?

THE WITNESS (Moberg): So I think the purpose of this image that we showed at the public

meeting in June was to, I think, illustrate that construction traffic would be split between two access points. So there had been a lot of concerns raised by abutters early on that all of the construction traffic to the north field would go up the existing path along Munnisunk Brook. So we wanted to try to make people understand that there would be a split.

MR. MERCIER: I understand. I'm just asking, is this depiction correct?

THE WITNESS (Kenney): I would say that that depiction is illustrative, and the figure in the project layout is the more accurate depiction of where the actual road would be.

MR. MERCIER: Okay. So on Litchfield Drive it kind of runs behind, I don't know, about --

THE WITNESS (Kenney): Correct.

MR. MERCIER: -- ten houses or so?

THE WITNESS (Kenney): Correct.

MR. MERCIER: Now, is there any problem with just using the Hoskins Road entrance to access the entire site for construction?

THE WITNESS (Moberg): It focuses a lot of traffic on the wetland crossing that is between

the sort of central parcels and that larger northern parcel. And it basically just pushes the construction traffic from one neighborhood to a different neighborhood.

THE WITNESS (Kenney): The existing access point behind Litchfield Drive is an existing agricultural road that is used on a daily basis.

MR. MERCIER: I understand that. I'm just asking whether for this project can you just use the Hoskins Road? I mean, would you agree it's less residences where this road would go by than the County Road location based on the actual layout, not the map?

THE WITNESS (Moberg): Yeah, I would agree that there would be less traffic.

MR. MERCIER: And you're talking about the brook crossing. Are you going to upgrade that anyway? What's there at the brook crossing you're concerned about? What kind of crossing is it?

THE WITNESS (Kenney): There's an existing road there that we would utilize. There's no issue in terms of we're going to avoid any impacts to wetlands there. I think that our rationale here was to spread the construction

traffic over the existing agricultural road and utilize the road off of Hoskins, being mindful of the potential that road with Hoskins and County there's line of sight concerns there as well for safety. We feel like maintaining the use of the existing road behind Litchfield Drive is prudent to efficiency and safety during construction.

MR. MERCIER: Okay. Thank you.

The next panel I'd like to talk about was Howard Street, which is the next one. It said original proposal, then it was eliminated under key changes. Can you just explain what the concerns there were as to why that particular area was eliminated for consideration?

THE WITNESS (Kenney): It was an elevated area, the knoll, that Howard Street area is elevated. And when we did -- originally we had proposed to put project facilities there. However, when we completed some viewshed assessment, the facilities would be elevated and would be very dominant over the houses, and we just determined that it would be an impact that it would just change -- it would be very dominant and high due to elevation.

MR. MERCIER: Okay. So potentially the

people on the end of the cul-de-sac there, they're going to look through the trees of their yards and the small buffer area, then they're going to see a fence or something up high?

THE WITNESS (Kenney): It would be elevated.

MR. MERCIER: Right. I understand it's elevated. Was there any thought of moving it towards the south, towards the CL&P easement? Is that your property to the south?

THE WITNESS (Kenney): So the property that we will being purchasing, we do not have the parcel to the south. So we would be unable to make that change.

MR. MERCIER: I'm just trying to find locations where you can put some more panels and maybe lessen the impact on someone else.

THE WITNESS (Kenney): So we went through this process working closely with the town. Certainly, you know, I think that it's -- we tried to minimize the impacts, but that was one where we moved the project facility.

MR. MERCIER: I guess I'll turn over to the Knollwood Circle, which is a couple panels down. Knollwood Circle, original proposal number

2, Knollwood Circle 2, key changes. I was just looking at the removal of the panels. I understand why you did that along Knollwood Drive, the abutters there. Was there any thought of pushing it, get extra panels in the road towards the west side along the existing edge of the agricultural field where there's already some kind of dirt road there?

THE WITNESS (Moberg): That was within the buffer to the wetland. We were trying to avoid that.

MR. MERCIER: Is that a 200 or the 100-foot buffer?

THE WITNESS (Moberg): I'm not sure because I don't have the site plans in front of me, but I think we did consider that, and we were trying to observe the buffers.

THE WITNESS (Kenney): Let's see. So if you give us a minute, we can review that.

MR. MERCIER: Sure. I think it was within the 200. So that's why I was asking why not push it towards the 100. You're using 100 elsewhere.

THE WITNESS (Kenney): We can review that.

THE CHAIRMAN: Mr. Silvestri has a follow-up.

MR. SILVESTRI: Thank you, Mr. Chairman.

With the proposed changes that Bob just looked at with you folks, Knollwood Circle, Howard Street, Hoskins Road and others, what's the impact to the overall megawatts of the project? Does it get reduced from 26.4?

THE WITNESS (Kenney): So these slides are from a presentation that we gave in June in response to a meeting that we had had earlier in the spring. So the project -- the petition that is presented incorporates all of these changes. So these changes, after we've made these changes we're at 26.4 megawatts.

MR. SILVESTRI: Thank you for the clarification.

MR. MERCIER: Looking at the plan, I saw that the road -- post-construction there's a 20-foot road, and there was a 4-foot wood chip apron, but I didn't realize what it was. Is that the walking path that was proposed for this project?

THE WITNESS (Moberg): Yes.

MR. MERCIER: And what fields --
THE WITNESS (Moberg): That's the walking path.
MR. MERCIER: Is it around every field, the north field or middle field? I didn't really determine where exactly this walking path would originate and what field it would encircle.
THE WITNESS (Moberg): It doesn't really encircle any of the fields. It's generally providing access along the east and the west sides of the project. And we also gave consideration to the public being able to access that path from a public right-of-way. But in some cases we were just not able to provide the path all the way around the project because of like on that northern most area, for instance, we're already on the back of a slope, and in order to provide the path, we'd be doing more grading in that area, so we didn't -- we're not providing it there.
MR. MERCIER: You said a public right-of-way. Are you talking about --
THE WITNESS (Moberg): I meant streets.
MR. MERCIER: Yes. Are you talking about County Road, the entrance there along Munnisunk Brook, or is there another location?

How are people going to get in there, I guess, is my question?

THE WITNESS (Kenney): There's a couple of different access points from neighborhood backyards.

MR. MERCIER: Okay. Neighborhood backyards, through someone's backyard?

THE WITNESS (Kenney): Yeah. And if you look at, for example, Berkshire Way, there is an existing easement that goes -- that's an access point for the Berkshire Way neighborhood where they walk through. So they typically walk through from neighborhoods, from either their own backyards, or within neighborhoods there's some access points.

MR. MERCIER: Okay. I see what you're saying. So some of the cul-de-sacs were probably built so the road could be extended in the future, there's a public right-of-way through there. I think that's what you're saying.

THE WITNESS (Kenney): Yes, and --

MR. MERCIER: And there's probably an existing dirt path, or something, that leads down to the fields. Then at the field when you complete the project you're going build these wood

chip paths. Is Deepwater going to maintain these paths, or who's going to maintain the paths?

THE WITNESS (Kenney): The walking paths would be part of the project, so they would be -- they're something that when we met with the town that was something that they identified early on as a benefit that we could provide, and so it's something that we focused in on.

MR. MERCIER: Is there any concern about security or vandalism to your project from the paths?

THE WITNESS (Kenney): Well, so we would -- the security, we would still have to maintain the same security with or without the paths. I think vandalism is always a concern but --

MR. MERCIER: Right. I mean, it is more likely people are going to go down there now rather than just having an isolated field.

THE WITNESS (Kenney): Yeah. So, you know, the potential for vandalism is there. We will monitor the facility, but we don't see an elevated risk of concern.

MR. MERCIER: If someone gets injured on the path, how is emergency personnel going to

get down there? Is there a way they can get in there?

THE WITNESS (Moberg): The emergency personnel can drive in on the site access drive. These paths are outside of the fence where the road is on the inside of the fence. But there will be periodic gates in the fence. I think that it's a detail we could work out with the emergency responders, but essentially there is vehicular access to at least quite close.

MR. MERCIER: Different maps. Going to the site layout, Exhibit B, you've talked about gates. Can you repeat what you said? You said there's a main access from a public right-of-way say to the north field --

THE WITNESS (Moberg): Right.

MR. MERCIER: -- and there might be a gate or two. And then once you get up to the actual solar field, there would be your wood chip path, then a fence, and then an interior access road. Is that how it's arranged?

THE WITNESS (Moberg): That's correct.

MR. MERCIER: Thank you.

THE WITNESS (Moberg): The wood chip path is on the outside of the fence. The roadway

is on the inside of the fence.

THE WITNESS (Kenney): And in the areas where the wood chip path is located, we will work with first responders to determine how -- the frequency of the gates.

MR. MERCIER: Is it possible, assuming potentially there could be narrower perimeter access roads around your solar field, you know, you talked about you're going to use 20 feet, but maybe it could be narrower, if you narrowed up the perimeter access roads and got rid of the wood chip path, is it possible to extend some of the solar arrays so you can remove some solar arrays around someone's home, or is that just some minuscule amount, in your opinion, that it might not matter, the width of the road and the path?

THE WITNESS (Kenney): It's not minuscule. When we planned the project, we planned for the walking path. So if we were to look into that, change it, we could reduce panels in other locations.

MR. MERCIER: Okay. We briefly talked about this at the field review, so I'd just like to have it on the record. At Hoskins Road there was the two barns where we met today. And can you

just repeat what Deepwater intends to do with the barns, if you know at this point?

THE WITNESS (Kenney): So the two barns that are on Hoskins Road will remain. In terms of preservation, we are consulting with the Connecticut State Historic Preservation Office right now, and they will be part of the property that is purchased. So we will determine the course of action in consult with the SHPO.

MR. MERCIER: What's the condition of the barns? I guess, looking at I'll call it the west barn, that looks like it had some -- I looked. It looked like it had some vegetation growing on the side of it, and there might have been some roof issues. Would you agree there's some serious roof issues with that west barn?

THE WITNESS (Kenney): The barns are in extreme disrepair.

MR. MERCIER: Is one of the barns salvageable, or are they both pretty much in a very decrepit state?

THE WITNESS (Kenney): We haven't had a professional opinion on whether they are salvageable yet, but I would say the one to the west is in worst shape than the one to the east.

MR. MERCIER: Does SHPO want you to retain both, or would one suffice?

THE WITNESS (Kenney): So our consultation with SHPO has surrounded the five barns that are on the property, three in the northern area of the site. SHPO has indicated that they would -- removal of the three barns in the northern area would be acceptable. They have asked that we make efforts to retain the two off of Hoskins. We haven't pushed the issue at all with them about, you know, potentially removing the ones off Hoskins.

MR. MERCIER: If the barns were repaired to good condition, what use could they be? Is there any use? Agricultural use? Can anybody use these things for anything, or are they past that type of activity? Can you store equipment in there for your lawn mowers, anything of that nature?

THE WITNESS (Kenney): At this point we have no plans to utilize the barns for anything related to the project.

MR. MERCIER: If someone wanted to lease the barn, would you be receptive to that?

THE WITNESS (Kenney): I suspect that

the barns would need a lot of improvements before they were ready for leasing.

MR. MERCIER: Thank you. I had in my notes we talked a little about walking paths. Then I saw something -- I forgot where in the application -- something about a school and Boy Scout involvement. I'm not sure what that was about. I think it was probably during the town outreach.

THE WITNESS (Kenney): I think in general when renewable energy projects are proposed in a community, it's seen as an opportunity to provide educational opportunities in the schools, and with local organizations like the Boy Scouts. So we're generally open to that. And that's something that we would commit to.

But another focus area is we've committed to a one-acre pollinator growth area. That could be an area for potential science study on the growth and the types of vegetation and the types of species that are in the area.

So we're open. We don't have any specific projects in mind, but we do find that it's a community benefit to have the renewable projects in the community for schools and for

organizations like the Boy Scouts.

MR. MERCIER: When we were at the field review today looking at the south field, the one opposite the barn, was that under production? Is that used right now for agricultural use? I could not tell.

THE WITNESS (Moberg): Last time I was out on that field, which was probably four weeks ago, there were some kind of melons growing on that field. Earlier in the season it had a different crop on it.

MR. MERCIER: Now, looking at the site layout again, if potentially we could -- maybe there's a chance to reconfigure some of the project and get some panels away from the 85 Hoskins residents. That might open up some area of field not used for anything. Is it possible that could be leased to an area farmer, or something like that, to keep that small area in production, or is that where your model pollinator habitat is going?

THE WITNESS (Kenney): I think in terms of potential subleasing in the future, in land that we're not planning to use for the project, there's any number of options for that land. You

know, we're not particularly in the business of leasing for ag, but I think we would be open to discussions about what could be done with that land in terms of a commitment for future use. For agricultural purposes, and whether that's subleased to a farmer, or used by the local community, I think that there's a number of things that could be considered there.

MR. MERCIER: You mean like a community garden or something?

THE WITNESS (Kenney): Yes. I think that in the land that is owned within the parcel boundary where project facilities are not proposed, we have committed to that land to be open space, or remain forest, if it is forest. So we would be open to discussions about how to best benefit the community with that space.

MR. MERCIER: Your response just jogged my memory of something here. It actually is a response to the Department of Agriculture's questions. It was Response 4. It had to do with something about trying to enter into an agreement with the Department of Agriculture for an easement. Can you just explain? I didn't really understand the response.

THE WITNESS (Kenney): Can you just point me to the --

MR. MERCIER: It was the Department of Agriculture -- a response to the Department of Agriculture, Response Number 4. It had to do with a decommissioning plan and an attempt to restore the site. And I believe you offered the property with an easement or land right that would preclude future development on the properties. So can you just elaborate on that response? I don't really understand.

THE WITNESS (Kenney): Sure. So one of the things that has come up quite frequently is what do we plan to do with this site after the project.

MR. MERCIER: May I interject?

THE WITNESS (Kenney): Yes.

MR. MERCIER: Do you own the parcel, or it's an option to buy?

THE WITNESS (Kenney): It's an option to buy.

MR. MERCIER: Okay. That's what I didn't understand.

THE WITNESS (Kenney): Yeah. It's an option to buy. So when we purchase the land, it

will be for use as a solar facility. And once we're done with the land, what would we do with it? We have made specific commitments throughout the application to try to enhance the future use for agricultural purposes. We did offer that at the end of the use as a solar facility that we would be willing to sign it over to a conservation easement, or some other mechanism that would allow for the land to be used for agricultural purposes only. That was made by our attorney. And I believe that, as presented in the interrogatory, it was declined.

MR. MERCIER: Okay. That was only declined through the Department of Agriculture. Maybe there could be another entity that might be interested in something of that nature. Would you consider that, I assume, an offer, a monetary offer?

THE WITNESS (Kenney): I think we remain committed to the offer that we made. At the end of the useful life of this project, we remain willing to put the land in some sort of an easement or other agreement to allow for future agricultural use only.

MR. MERCIER: Thank you.

THE CHAIRMAN: Mr. Silvestri has a follow-up, and then I think I do.

MR. SILVESTRI: Thank you, Mr. Chairman.

As a follow-up to the discussion, and related to Section 7, which talks about the decommissioning, are you aware of any solar installations that have retired and then reverted the land back to agricultural production?

THE WITNESS (Kenney): I am not. I think that most of the solar facilities that have been installed, the majority of them are still operating. We have taken care in our application to make design choices which would allow us to decommission and have the project used for agricultural. I referenced earlier our design choice to avoid the use of conduit in the roads so that the cable could be more easily removed. So we're planning for that. I think we think that with proper planning that the return to use for agriculture can be achieved.

MR. SILVESTRI: But the concept to return to use after 25 years is theoretical?

THE WITNESS (Kenney): I mean, we have a soil scientist here who can comment, but we see

no reason why it could not be returned to use, but I don't have a case study to show where it has been.

MR. SILVESTRI: That's what I was looking for, to say, okay, if we had something that was there for 25, 30 years, and we wanted to go back to agriculture, can it really happen.

THE WITNESS (Peterson): I don't have an example of a solar farm, but the USDA does operate the Conservation Reserve Program where they pay farmers to take land out of agriculture and put them into permanent grass cover, and those are typically for periods of five to ten years. They are looking at extending some of those leases. This is to periods approaching 20, 25 years.

In response to some of the -- you know, you may have heard stories about return of the dust bowl in the midwest. So it's when these marginal lands, you know, are over intensively farmed. There is an actual program operating to take them out on a temporary basis.

MR. SILVESTRI: But going back to what you mentioned with the US --

THE WITNESS (Peterson): DA.

MR. SILVESTRI: -- again, there it's still an open space. It's not being covered by anything. In this case it would be solar panels. So I think my point sticks that it's really still theoretical.

THE CHAIRMAN: I guess my sort of follow-up would be we're talking 25 years. We may still have a great need for renewable energy. I mean, we can, I guess, say that it could revert back, and if you want to give them an easement, but in 20, 25 years there will be changes in agriculture, and there will be changes in energy. And I'm a little bit concerned about locking us in at this point, other than saying it could possibly be for agriculture. I mean, maybe in 25 years we'll be desperate to have more agricultural land, or maybe all grown in greenhouses. Well, I won't go on with it.

Mr. Harder.

We have several follow-ups. Go ahead.

MR. HARDER: I think every solar application that we've considered there's always a point of discussion about 25 years down the road it could be the sites in most cases -- in many cases could revert to agricultural use or some

other use. And I assume that at least one of the factors, maybe the greatest factor in focusing on a 25-year period, or 20 years, or whatever, is the decrease in power production over that time. My understanding is there's a very small annual decrease. Is that true, or is 25 years just thrown out there because that's what -- that's a number that a lot of people like to use? I mean, what's the basis for the period of time you're talking about?

THE WITNESS (Grybowski): You're right, the panels do, and the equipment, obviously, like all electrical and mechanical equipment, does have a useful life, and over time that useful life, the resiliency of the equipment degrades over time. However, in a project like this, like other projects, there is always the opportunity to repower. So if a new technology comes along that allows you to put new panels in, you can extend the life of the project.

So for this project we don't -- we think that this is a -- it's not a permanent facility in the sense that it's not there forever, it does have a useful life. We wouldn't anticipate that useful life being in excess of 25

years, but it's not forever either.

With respect to the offer for an easement, this is something, along with many of the other choices that we've been discussing here about moving panels from one place or another, we've made a series of choices and a series of decisions trying to weigh several different factors. And with respect to the location of individual panels, we're very much open to considering other ways to weigh those factors, whether a walking path is a valuable thing. We heard from the community. We thought that at least some folks in the community valued a walking path, but that may not be the case for everyone in the community. So we're very open to those changes.

With respect to the future agricultural use of the property, I think one of the real factors that led us to make that offer -- and I do think it was a fairly extraordinary offer on our part as the developer -- to voluntarily agree to essentially give up the highest economic use of that land for a very long time, essentially forever, it was really our attempt to try to mitigate concerns both from the community and from

the Department of Agriculture about the loss of farmlands.

And that is an issue that is not just happening here in Connecticut, it's happening across the country, where oftentimes farmers are looking for new sources of revenue because their farming revenue is not what it once was, and in many cases they're turning to wind and solar. And in some cases state entities are questioning the decisions to give up farmland for other use.

What is interesting, I think, about this particular property, though, and something really important to keep in mind, is that, as Aileen pointed out at the beginning of the site tour, all of these parcels are zoned either residential or industrial today. So the current landowner who is in the business of developing land and selling it and developing other types of facilities has the right under current zoning to permanently change this land to create parking, to create a light manufacturing facility, to create lots of residential units. In our view, that is certainly a completely permanent change to this land.

And what we've tried to do is make the

point that a solar facility, because of its nature, because we can decommission it and get everything out of the ground, and we are willing to come up with the department -- work with the Council on a D&M plan that will help restore the soil, that we do think the soil can be returned to agricultural use. And while I don't think I've seen it before, I'm not sure I've ever heard a developer give up that right before.

So I admit that this might be something that's a little new, but we do think that this commitment that -- or the offer we've made demonstrates that the choice of the solar farm is a far more temporary choice than the development under existing zoning, because once you put a light manufacturing facility with a parking lot there, the fields will never come back. We do believe that solar is compatible with agricultural use in the long term, and so not only are we making that argument, but we've gone further to say we're willing to talk about creative ideas like some sort of conservation or agricultural easement in the future. And I don't have a model to show you, but it is the kind of creative thing that we're happy to engage in a conversation

about.

THE CHAIRMAN: Thank you. We have to break now for dinner. I will say, though, that we will certainly, or at least this member of the Council, will want to explore this more with the Department of Agriculture. I'll leave it at that.

So we will break now, and we will return at 6:30 to commence the public hearing portion.

(Whereupon, the witnesses were excused, and the above proceedings were adjourned at 5 p.m.)

CERTIFICATE

I hereby certify that the foregoing 96 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Siting Council Hearing in Re: PETITION NO. 1313, DWW SOLAR II, LLC PETITION FOR A DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED FOR THE PROPOSED CONSTRUCTION, MAINTENANCE AND OPERATION OF A 26.4 MEGAWATT AC SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY ON APPROXIMATELY 289 ACRES COMPRISED OF 5 SEPARATE AND ABUTTING PRIVATELY-OWNED PARCELS LOCATED GENERALLY WEST OF HOPMEADOW STREET, NORTH AND SOUTH OF HOSKINS ROAD, AND NORTH AND EAST OF COUNTY ROAD, AND ASSOCIATED ELECTRICAL INTERCONNECTION TO EVERSOURCE ENERGY'S NORTH SIMSBURY SUBSTATION WEST OF HOPMEADOW STREET IN SIMSBURY, CONNECTICUT, which was held before ROBERT STEIN, Chairman, at Eno Memorial Hall Auditorium, 754 Hopmeadow Street, Simsbury, Connecticut, on September 12, 2017.

Lisa L. Warner, L.S.R., 061

Court Reporter

I N D E X

APPLICANT'S EXHIBITS

(Received in evidence)

I n d e x (Cont'd):