

In The Matter Of:

Petition of Nutmeg Solar, LLC for a declaratory ruling

Public Comment Session

January 10, 2019

BCT Reporting LLC

55 Whiting Street, Suite 1A

Plainville, CT 06062

860.302.1876

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1352

Petition of Nutmeg Solar, LLC for a declaratory
ruling for the proposed construction, maintenance,
and operation of a 19.6 megawatt solar
photovoltaic electric generating facility
generally south of Bailey Road and east of Broad
Brook Road and associated electrical
interconnection to Eversource Energy's Scitico
Substation at 20 Bailey Road in
Enfield, Connecticut.

Public Comment Session held at the Enfield
Town Hall, Council Chambers, 820 Enfield Street,
Enfield, Connecticut, on Thursday, January 10,
2019, beginning at 6:31 p.m.

H e l d B e f o r e :

SENATOR JAMES J. MURPHY, JR.,
Acting Chairman

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

Council Members:

ROBERT HANNON,

Designee for Commissioner Robert Klee

Department of Energy and Environmental

Protection

LARRY P. LEVESQUE, ESQ.,

Designee for Chairman Katie Dykes

Public Utilities Regulatory Authority

ROBERT SILVESTRI

DR. MICHAEL W. KLEMENS

MICHAEL HARDER

EDWARD EDELSON

Council Staff:

MELANIE BACHMAN, ESQ.

Executive Director and

Staff Attorney

MICHAEL PERRONE

Siting Analyst

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

2
3 For the Petitioner:

4 LOCKE LORD LLP

5 20 Church Street

6 Hartford, Connecticut 06103

7 BY: DAVID W. BOGAN, ESQ.

8 KATHRYN E. BOUCHER, ESQ.

9
10 For the Town of Enfield:

11 MARIA S. ELSDEN, ESQ.

12 Acting Town Attorney

13 Town of Enfield

14 820 Enfield Street

15 Enfield, Connecticut 06082

16
17 Also present: MATTHEW SINGER,

18 NextEra Energy Resources, LLC

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1 THE CHAIRMAN: Ladies and gentlemen,
2 this hearing is called to order this Thursday,
3 January the 10th, 2019, at 6:30 p.m. My name is
4 Jerry Murphy. I'm the acting chairman of the
5 Connecticut Siting Council.

6 Other members of the Council are Robert
7 Hannon, designee for Commissioner Robert Klee of
8 the Department of Energy and Environmental
9 Protection; Larry Levesque, designee for Chairman
10 Katie Dykes of the Public Utilities Regulatory
11 Authority; Robert Silvestri; Dr. Michael W.
12 Klemens; and Michael Harder.

13 Members of the staff are Melanie
14 Bachman, our executive director and staff
15 attorney; and Michael Perrone, the siting analyst
16 for this file.

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

22 This hearing is held pursuant to the
23 provisions of Title 16 of the Connecticut General
24 Statutes and of the Uniform Administrative
25 Procedure Act upon a petition from Nutmeg Solar,

1 LLC for a declaratory ruling for the proposed
2 construction, maintenance, and operation of a 19.6
3 megawatt solar photovoltaic electric generating
4 facility generally south of Bailey Road and east
5 of Broad Brook Road and associated electrical
6 interconnection to Eversource Energy's Substation
7 at 20 Bailey Road in Enfield, Connecticut. This
8 petition was received by the Council on October
9 19, 2018.

10 The Council's legal notice of the date
11 and time of this hearing was published in the
12 Journal Inquirer on December the 8th 2018. Upon
13 this Council's request, the petitioner erected a
14 sign along Broad Brook Road where the proposed
15 facility is to be located so as to inform the
16 public of the name of the petitioner, the type of
17 facility, the hearing date and its location, and
18 the contact information for the Council.

19 This afternoon members of the Council,
20 staff and public personally conducted a field
21 review of the proposed site in order to observe
22 firsthand the potential effects of the proposal.

23 This hearing session this evening has
24 been reserved for the public to make short
25 statements into the record. These public

1 statements are not subject to questions from the
2 petitioner, the Town of Enfield, who is a party to
3 this matter, or the Council and its members.
4 Members of the public making statements may not
5 ask questions of the petitioner, the Town of
6 Enfield, or the Council. These statements will
7 become part of the record for Council
8 consideration. A sign-up sheet is available for
9 those who would like to participate.

10 As a reminder to all, off-the-record
11 communications with members of the Council or
12 members of Council staff upon the merits of this
13 petition is prohibited by law.

14 I also wish to note that the petitioner
15 and the Town of Enfield, including their
16 representatives and witnesses, are not allowed to
17 participate in this public hearing session.

18 I also wish to note for those who are
19 here and for the benefit of your friends and your
20 neighbors who are unable to join us for this
21 public comment session this evening that you or
22 they may send written statements to the Council
23 within 30 days of the date hereof, and such
24 written statements will be given the same weight
25 as if spoken this evening at this hearing.

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

9 A verbatim transcript will be made of
10 this hearing and deposited at the Enfield and
11 Somers Town Clerk's Offices for the convenience of
12 the public.

13 Before we call upon the public, we've
14 asked that the petitioner's representative make a
15 presentation briefly of the proposal which is
16 before the Council this afternoon as well as the
17 public session this evening. Proceed.

18 MATTHEW SINGER: Thank you. I'm Matt
19 Singer with NextEra Energy Resources. I'm the
20 project manager for Nutmeg Solar.

21 The project is a 19.6 megawatt facility
22 solar photovoltaic proposed for the Hazardville
23 District here in Enfield. It's approximately 4.5
24 miles southeast of where we're sitting tonight.

25 The project was originally selected by

1 the Department of Environmental Protection and
2 Energy in 2017 in order to help Connecticut meet
3 its clean energy and carbon reduction goals. In
4 the two years since, we've done environmental
5 engineering and a number of other studies to
6 inform our site design, as you see it today on the
7 figure to my right, and we've also solicited
8 feedback from project neighbors, residents of
9 Enfield, town officials, and other stakeholders.
10 We believe the petition and the project, as it
11 stands, is in a very good shape.

12 And so we appreciate you coming out
13 tonight. We appreciate being before the Council.
14 And I look forward to hearing your comments.
15 Thank you.

16 THE CHAIRMAN: Before I start, I will
17 indicate that we have three people who have signed
18 up. And if there are others than these three
19 individuals who want to be heard this evening,
20 we'd ask that you sign up with one of the other
21 sheets.

22 The first name -- and pardon me if I
23 mispronounce it -- Al Kupchunos.

24 AL KUPCHUNOS: That's pretty close.

25 THE CHAIRMAN: Thank you. At least I'm

1 not off to a bad, bad start.

2 (Laughter.)

3 MR. KUPCHUNOS: Good evening. In a way
4 of full disclosure, let me just say that I am not
5 an Enfield resident; I live in South Windsor.

6 The reason I'm here is that when I saw
7 the petition to put a solar farm on that property,
8 I think a lot of people may be thinking at first
9 blush, well, why would you put it on farmland,
10 some beautiful farmland, tobacco sheds? I think
11 that's the exact reason you should put it there.

12 My family, we farmed, well, about 150
13 years in the Connecticut Valley, some of the best
14 soil in the world, and I know you're all aware of
15 that. But the problem is farmland gets tired.
16 You cannot raise it year after year after year.
17 And that's one of the problems my family ran into.
18 We grew somewhere in the area of about 600 acres
19 of potatoes in the Connecticut Valley as well as
20 tobacco. And what would happen because there's
21 such a demand on land, you couldn't rest the land
22 for three or four years, and that's really what's
23 necessary. So, consequently, the other
24 alternative is you do subdivisions, you build
25 houses. And that's a parcel that you could do a

1 subdivision so easily.

2 So I think the whole concept and the
3 reason I'm supporting it is you can take that
4 property and rest the land for 20, 25 years,
5 whatever it is. And I'll tell you, when you get
6 to be my age you realize 20 years is not a very
7 long time, and before you know it that land will
8 be farmed again. And I think that's the real
9 asset we have, and it's a way to preserve it. So
10 I think it's the exact thing you should do with
11 it. And I'm in support of it. And thank you.

12 THE CHAIRMAN: Thank you.

13 Kiran Majmudar.

14 KIRAN MAJMUDAR: Close enough. Thank
15 you.

16 THE CHAIRMAN: Is that third letter in
17 your last name a "J"?

18 MR. MAJMUDAR: The last name is "J"
19 Majmudar.

20 THE CHAIRMAN: Majmudar, okay.

21 MR. MAJMUDAR: My name is Kiran
22 Majmudar. I'm a resident of the Town of Enfield.
23 And for full disclosure, I'm also a member of the
24 Economic Development Commission in the town.

25 I support this project because the

1 mission of the commission, Economic Development
2 Commission, is to sustain, support existing
3 business as well as to attract new business.
4 That's the growth strategy for the town. And with
5 that in mind, I'm happy to know that the solar
6 power generation will create good opportunities
7 for the town, as well as produce good quality
8 energy. And when I say "good quality energy,"
9 I've worked in the nuclear industry, I've worked
10 in the fossil industry, and power generation, and
11 solar, therefore, is a lot less environmentally
12 impactful project than we see today.

13 A solar project offers many economic
14 benefits to the town. It brings good investment,
15 almost \$6 million investment to the town in
16 project equipment, in construction, and that
17 translates very easily to the revenue to the town
18 itself. That's number one.

19 There is more to it because this town
20 also supports many construction trades. There are
21 good steel fabricators, there are good site
22 development contractors, there are good electrical
23 contractors, concrete contractors, many related
24 things. All of these trades in this town will
25 have an opportunity to compete for parts of the

1 project, most of the project, some of the project.
2 So that's another benefit to the town. And
3 therefore I really support it.

4 The last part is the project applicants
5 have over almost a year and a half now very
6 proactively solicited comments from residents,
7 from the town, from the neighbors, and many other
8 agencies, including some of the town agencies.
9 Those proactive efforts have produced a plan that
10 takes into consideration many of those concerns
11 and modified the plan in order to make it viable,
12 to make it profitable, as well as address all the
13 concerns environmentally and socially. So that's
14 an important part.

15 The project also qualifies as a zero
16 carbon emission, and that's a good thing
17 environmentally, again, because when I compare it
18 again to the nuclear, to the fossil fuel plants,
19 this plant, solar plant in operation will have no
20 carbon emission at all.

21 So given such zero carbon emission,
22 given such economic development and benefits to
23 the town, I think we should welcome the project
24 here in town, and I support it. Thank you.

25 THE CHAIRMAN: Thank you, sir.

1 Karen LaPlante. Yours was the easy
2 one.

3 KAREN LAPLANTE: Hi. Good evening.
4 Full disclosure, my name is Karen LaPlante, 166
5 North Maple Street in Enfield. I am the chair of
6 the Conservation Commission and the Agricultural
7 Commission, but I'm speaking as a private citizen
8 at this time.

9 So I would like to welcome you to
10 Enfield. Hopefully, it wasn't too cold out there
11 on the site visit. And I do have to say that I
12 have 28 solar panels of my own, so I'm sure this
13 project is going to compete with my panels.

14 But that aside, I have not read all of
15 the exhibits the applicant submitted, but I did
16 read a number of them. And I would like to say I
17 appreciate the effort that they have put into this
18 application. And I've attended a number of the
19 local meetings that they have held and I believe
20 it was in November the site walk that they had.

21 I have a couple of questions or
22 comments that I'm not sure were covered under the
23 application and subsequent interrogatories. I
24 didn't see any directives as to how the applicant
25 would manage to control the invasive species that

1 may develop on the disturbed soils in the
2 disturbed areas along the perimeter. We got close
3 to it in some of the questions this afternoon, but
4 specifically invasives weren't addressed. Mowing,
5 I believe, is going to be done twice a year, but
6 the invasives can tend to grow up between the
7 cedar trees and everything else, and mowing may
8 not be done in those areas. So I'd like that to
9 be further addressed.

10 My second concern was to how to
11 interpret the response to Interrogatory CSC-45,
12 which talks about the equivalency results from the
13 EPA website. So I was wondering if the greenhouse
14 gas emissions saved by the project is equivalent
15 to 2.6 billion miles driven by an average
16 passenger vehicle if it's based on one year, 10
17 years, 20 years, 30 years? We talked about
18 different life spans of the project this
19 afternoon, or you talked about them, and that was
20 just a clarification I was trying to wonder.
21 That's a huge number, and I'm just thrilled with
22 it.

23 So I am in favor, personally in favor
24 of this project, and I hope it goes forward.
25 Thank you.

1 THE CHAIRMAN: Thank you very much.
2 That exhausts the list in front of me.
3 Excuse me. Carol Hall.

4 CAROL HALL: Good evening, everybody.
5 And first my name is Carol Hall. I'm the state
6 rep for the 59th District where this project is
7 proposed to go.

8 First, I want to compliment NextEra for
9 all the hard work they've done on this project
10 with the residents of this town. We started quite
11 a while ago with site visits hosted by the Jarmoc
12 family who have been very gracious and have kind
13 of bent over backwards to try to accommodate as
14 much informational sessions as possible. So I
15 want to start with a positive. It's been a very
16 long process for us in that area, and I feel like
17 they've really done an amazing job to try to reach
18 the residents. They've done a lot of door
19 knocking and private meetings with residents
20 individually as well as group meetings. So we've
21 experienced a couple of different staff changes
22 over the course of time, which I imagine you would
23 expect. So the positive to this is there's been a
24 ton of groundwork done.

25 What I did want to say is the history

1 of the town, as many of you know, we're required
2 by state statute to put together a plan of
3 conservation and development. And I know you hear
4 so often from people that not in my town, we don't
5 want these huge projects in my town. You probably
6 hear that, and I know you've heard it from many
7 different projects throughout the state. What I
8 will say is that's not what we've said in Enfield.
9 In our plan of conservation and development we've
10 got these projects going in industrial zoned
11 areas. Our plan of conservation and development
12 and our Planning and Zoning Commission have been
13 very explicit where they want to see these
14 projects. So we're very supportive of renewables
15 here. I don't think there's anybody in this room
16 that would argue against them. I think it's a
17 wonderful thing. And we plan for it in our plan
18 of conservation and development.

19 What you may not know is this project
20 is obviously proposed to go in a residential
21 neighborhood. The people that this project -- the
22 abutters of this project, when they purchased
23 their homes, understood that there was farms there
24 and that if the farm wasn't there they would see
25 other homes abutting their homes. So from the

1 beginning of the project there was a huge
2 push-back, as you might imagine, because this is
3 going in a zone that was not approved for this
4 type of project.

5 So hence, the Siting Council, as you
6 sit here, because as many of you know, you hear
7 the negative and not in my neighborhood, but I
8 want you to know ahead of time it was forethought
9 in this town of these huge projects that we
10 expected to come in.

11 So we started at the beginning, like I
12 said, with a lot of push back. NextEra has done
13 some major renovations on the proposed site and
14 where these panels would go. They eliminated one
15 whole area to the west of the project, as you
16 know, off of Broad Brook Road which was hugely
17 because of the neighbors that had come out against
18 the project. So some major renovations were made
19 to the plan accommodating the neighbors' concerns.
20 So again, I want to applaud them for doing that.
21 It was a heavy lift for all of us. We had a lot
22 of different forums and discussions on this
23 project, and they did make some changes which we
24 truly, truly appreciate, and I can't say that
25 enough.

1 A couple of things that I still have
2 concerns with: I do live in this area. I'm not
3 far from the project myself. On Broad Brook Road
4 going right by the project we've talked about
5 buffers. There is a large section on Broad Brook
6 Road where there is no buffer. It's still wide
7 open to the road, and it's also in a very easy
8 winter view of Taft. I'd love to see more buffer
9 where there is none along Broad Brook Road. I did
10 express that to NextEra when I met with them a
11 couple weeks ago. So that's still a concern I
12 have for the project.

13 Great discussion this afternoon. I'm
14 glad I came. I learned a lot. I have to say I'm
15 totally impressed by the Siting Council and the
16 level of knowledge that you folks have, and I
17 truly respect a lot of the questions that were
18 asked. And you certainly know a ton more than we
19 do out here.

20 The other concern, and you're probably
21 well aware, that the abutting road, Bailey Road
22 and Charnley Road, for that matter, do not have
23 city water. Most of the houses on those
24 properties are well water. There were issues
25 brought up about pesticides today. I was glad to

1 hear the discussion was brought up about the
2 pesticides that will or will not be used. That's
3 a huge concern with well water with the direct
4 abutters. There's also a huge orchard that also
5 abuts this property. So I hope we're super
6 careful as to what we use if we are going to move
7 forward with any sort of control of growth that
8 they want to contain.

9 Construction hours are a concern for me
10 as well. I heard this afternoon you addressing
11 those. And I hope those construction hours are
12 limited to work days and don't overflow into the
13 weekends for the residents in that area. I'd like
14 to see them shortened up. I think that was talked
15 about this afternoon by one of your siting
16 members. That's the noise factor being so close
17 to residents is going to be a huge issue during
18 construction. So I appreciate that that was
19 brought up this afternoon.

20 I think the other thing that I thought
21 was a very valid question that wasn't answered by
22 NextEra this afternoon was the cost of this
23 project. It is a public project. I think the
24 public have a right to know the development costs
25 and the cost of the project period. At the very

1 beginning of this project when we were talking
2 about other possible sites where our plan of
3 conservation and development do allow this kind of
4 project, we were told by NextEra that there
5 weren't any sites in Enfield that were appropriate
6 that were cost effective. So there actually is
7 quite a lot of industrial open land in Enfield.
8 So cost certainly for this project is a relevant
9 question, and I certainly appreciate the Siting
10 Council asking that question. So I think in full
11 disclosure that's something that the general
12 public certainly has the right to know.

13 Again, thank you for holding this
14 hearing in our town. I truly appreciate it.
15 You've made it very easy for the residents to come
16 forward. I think just by evidence of people that
17 signed up to speak, it speaks volumes on the
18 homework that NextEra did with the residents and
19 the town to get us to this point. So I think that
20 says a lot just by the amount of people that
21 signed up to speak.

22 One of the residents I think still has
23 some concerns, and that resident is on the corner
24 of Charnley and Broad Brook. They have talked
25 with him about buffers. I hope that maybe he will

1 submit to you testimony if he'd like to see more.
2 Again, extremely grateful for them eliminating the
3 project to the west and also some of the fields
4 behind Charnley which are also residential as
5 well.

6 So thank you for being here. Thank you
7 for all your wonderful questions this afternoon.
8 And I look forward to the rest of the hearing.
9 Thank you.

10 THE CHAIRMAN: Thank you,
11 Representative Hall.

12 Michael Vezzola.

13 MICHAEL VEZZOLA: Good evening,
14 Council. My name is Michael Vezzola. And full
15 disclosure, I'm a resident of the Town of Enfield.
16 I'm also the vice president of the Enfield
17 Community Development Corporation. I sit on the
18 Economic Development Commission, and I'm the
19 executive director of the North Central
20 Connecticut Chamber of Commerce who I'm here
21 representing tonight.

22 On behalf of our board of directors, we
23 submitted a letter for your consideration. We
24 were presented a presentation by NextEra, who is
25 also a member of our chamber, and Jarmoc Farms is

1 also a member of our chamber. And we would like
2 for your consideration to support this project as
3 the North Central Connecticut Chamber who
4 represents Enfield, Somers, Suffield, and East
5 Windsor. We think that NextEra has done their due
6 diligence over the past couple of years and
7 provided more than opportune instances for people
8 to learn about the project, have their questions
9 answered about the project, and have also made
10 concessions based upon residential input that
11 they've had about the project over the course of
12 the last couple years.

13 So that being said, in addition to the
14 letter, I am here on behalf of the North Central
15 Connecticut Chamber of Commerce Board of
16 Directors, and we support this project. Thank
17 you.

18 THE CHAIRMAN: Thank you.

19 Carl Veilleux.

20 CARL VEILLEUX: Thank you. I'm a
21 resident of Enfield. I've been here 25 years and
22 live in the neighborhood. And I just want to say
23 I support this project and applaud you for all the
24 due diligence that you did for this project.
25 Thank you.

1 THE CHAIRMAN: Thank you. The
2 executive director tells me she doesn't have
3 anymore lists to slip to me with names on it. Is
4 there anyone else here who would care to address
5 the Council?

6 Come forward, ma'am.

7 MELISSA EVERETT: Thank you.

8 THE CHAIRMAN: Would you give us your
9 name?

10 MS. EVERETT: My name is Melissa
11 Everett. I'm an Enfield resident. I chaired the
12 Clean Energy Committee for the period that we had
13 one. I was hesitating back there because I too
14 was prevented by work from getting here this
15 afternoon, and I've read parts of the materials.

16 I want to add my voice to really honor
17 the work that NextEra has done and that you all
18 have done in terms of due diligence. I have
19 watched at intervals the kind of flavor of the
20 conversation go from freaked out to information
21 gathering to negotiating and deliberating, and I
22 think that speaks volumes to how a town and a
23 developer of this kind of project should work
24 together.

25 I want to raise a question I know you

1 can't answer, but just an area of where I'm still
2 concerned. And that is, we've paid so much
3 attention to community interests. I don't know
4 that we've paid as much to environmental
5 interests. I know that a lot of forest is being
6 cut down necessarily to make the project work at
7 the scale that it needs to work at. I know that
8 one mature tree can sequester a ton of carbon
9 during its lifetime. I did look at the soil
10 remediation plan, and it says that, you know, best
11 practices will be used to remediate the soils
12 after the life of the project, but I didn't see
13 any discussion of what might happen during the
14 project. And there is so much innovation going on
15 these days in terms of, you know, carbon
16 sequestering in soils. It isn't the job of a
17 solar developer, necessarily, to do that, but to
18 the extent that the Council can think about best
19 practices for land management during the life of
20 the project, that would help us to be even more
21 innovative than we already are. Thank you.

22 THE CHAIRMAN: Thank you.

23 Is there anyone else here who would
24 care to address the Council?

25 (No response.)

1 THE CHAIRMAN: Before I close, I'll ask
2 once more, does anyone here -- we probably have
3 exhausted those who are. Okay.

4 This Council announces that it will
5 continue the evidentiary session of this hearing
6 in New Britain on Thursday, January the 24th,
7 which is two weeks from today, 2019, at 1 p.m.
8 Please note that anyone who has not become a party
9 or an intervenor who desires his or her views
10 known to the Council may file written statements
11 with the Council until the public comment record
12 closes, which will be at least 30 days from two
13 weeks from Thursday.

14 Copies of the transcript of this
15 hearing will be filed in the Enfield and Somers
16 Town Clerk's Offices.

17 I hereby declare this hearing
18 adjourned. Thank you for your participation.
19 Have a safe drive home.

20 (Whereupon, the above proceedings
21 adjourned at 7:04 p.m.)
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1 CERTIFICATE

2
3 I hereby certify that the foregoing 25 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the Public Comment Session in Re: PETITION NO.
7 1352, PETITION OF NUTMEG SOLAR, LLC FOR A
8 DECLARATORY RULING FOR THE PROPOSED CONSTRUCTION,
9 MAINTENANCE, AND OPERATION OF A 19.6 MEGAWATT
10 SOLAR PHOTOVOLTAIC ELECTRIC GENERATING FACILITY
11 GENERALLY SOUTH OF BAILEY ROAD AND EAST OF BROAD
12 BROOK ROAD AND ASSOCIATED ELECTRICAL
13 INTERCONNECTION TO EVERSOURCE ENERGY'S SCITICO
14 SUBSTATION AT 20 BAILEY ROAD IN ENFIELD,
15 CONNECTICUT, which was held before SENATOR JAMES
16 J. MURPHY, ACTING CHAIRMAN, at Enfield Town Hall,
17 Council Chambers, 820 Enfield Street, Enfield,
18 Connecticut, on January 10, 2019.

19
20 

21 -----
22 Lisa L. Warner, CSR 061
23 Court Reporter
24 BCT REPORTING SERVICE
25 55 WHITING STREET, SUITE 1A
PLAINVILLE, CONNECTICUT 06062