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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

PETITION NUMBER 1598: Application from Windsor Solar One, LLC

Petition from Windsor Solar One, LLC for a declaratory ruling pursuant to Connecticut General Statutes 4-176 and 1650k for the proposed construction, maintenance, and operation of 3-megawatt AC solar photovoltaic electric generating facility located at 445 River Street, Windsor, Connecticut.

PUBLIC EVIDENTIARY HEARING
HELD VIA ZOOM VIDEOCONFERENCING
FEBRUARY 8, 2024
AT 2:00 PM

HELD BEFORE:

John Morissette - Member and Presiding Officer
Bryan Golembiewski - Designee for Commissioner Katie Dykes, Department of Energy and Environmental Protection
Quat Nguyen - Designee for Chairman Marissa Paslick Gillett, Public Utilities Regulatory Authority
Melanie Bachman, Esq. - Executive Director/Staff Attorney
Robert Mercier - Siting Analyst
Robert Silvestri
Chance Carter
Lisa Fontaine - Fiscal Administrative Officer
Dakota Lafountain - Siting Council Clerk Typist

A P P E A R A N C E S

APPLICANT, Windsor Solar One, LLC:
Lee Hoffman, Esq. - Pullman & Comley, LLC

WITNESSES:
Brad Parsons, Verogy, Director of Design and Permitting
James Cerkanowicz, Verogy, Manager of Permitting
Bryan Fitzgerald, Verogy, Director of Development
Jeffery Shamas, VHB, Director of Environmental Services
Steve Kochis, VHB, Project Manager
Michael Kluchman, VHB, Senior Landscape Architect
Chris Bajdek, VHB, Director of Noise and Vibration

TOWN OF WINDSOR:
Stefan Sjoberg, Esq. - Updike, Kelly & Spellacy, P.C.
Robert DeCrescenzo, Esq. - Updike, Kelly & Spellacy

Party:
Lisa Bress

(The hearing commenced at 2:00 p.m.)

MR. MORISSETTE: Good afternoon, ladies and gentlemen. Can everyone hear me okay? This public hearing is called to order this Thursday, February 8th, 2024, at 2:00 p.m. My name is John Morissette, member and presiding officer of the Connecticut Siting Council. Other members of the Council are Brian Golembiewski, designee for Commissioner Katie Dykes of the Department of Energy and Environmental Protection; Quat Nguyen for Marissa Paslick Gillette for the Public Regulatory Authority; Robert Silvestri, Dr. Thomas Near, and Chance Carter.

Members of the staff are Executive Director Melanie Bachmann, Siting Analyst Robert Mercier, and Administrative Support Lisa Fontaine and Dakota Lafountain. If you haven't done so already, I ask that everyone please mute their computer audio and telephones now.

This hearing is held pursuant to the

provisions of Title 16 of the Connecticut General Statutes and of the Uniform Administrative Procedure Act upon a petition from Windsor Solar One, LLC, for a declaratory ruling pursuant to Connecticut General Statutes Section 4-176 and 1650k for the proposed construction, maintenance, and operation of a 3-megawatt AC solar photovoltaic electric generating facility located at 445 River Street in Windsor Connecticut and the associated electrical interconnection. This petition was received by the Council on November 13th, 2023.

The Council's legal notice of the date and time of this public hearing was published in the Hartford Courant on January 9th, 2024. On this Council's request, the petitioner erected a sign in the vicinity of the proposed site so as to inform the public of the name of the petitioner, the type of the facility, the public hearing date, and contact information for the Council, including website and phone number.

As a reminder to all, off the record

communication with a member of the Council or a member of the Council staff upon the merits of this petition is prohibited by law. The party of the proceedings is as follows: the petitioner, Windsor Solar One, LLC, represented by Lee D. Hoffman, ESQ of Pullman & Comley, LLC; Party, Town of Windsor, represented by Robert DeCrescenzo, ESQ of Updike, Kelly & Spellacy; we have a party of Keith and Lisa Bress; Grouped Resident Intervenors of Leslie Garrison and William and Jennifer Williams.

We will proceed in accordance with prepared agenda, a copy of which is available in Council's Petition 1598 web page, along with the record in this matter, and public hearing notice, instructions for public access to this public hearing, and the Council's Citizens Guide to Siting Council's Procedures. Interested persons may join any session of this public hearing to listen, but no public comments will be received during the 2:00 p.m. evidentiary session. At the end of the evidentiary session, we will recess until 6:30 p.m. for

the public comment session.

Please be advised that any person may be removed from the evidentiary session of public comment session at the discretion of the Council. The 6:30 p.m. public comment session will be reserved for members of the public who have signed up in advance to make brief statements into the record. I wish to note that the petitioner, parties, and intervenors, including the representatives and witnesses are not allowed to participate in the public comment session.

I also wish to note for those who are listening, 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, either by mail or by email, and such written statements will be given the same weight as if spoken during the public comment session. A verbatim transcript of the public hearing will be posted on the Council's 1598 web page and deposited with the Windsor Town Clerk's Office for the convenience of the

public. Please be advised that the Council does not issue stormwater management. If the project proposed is approved by the Council, the Department of Energy and Environmental Protection, also known as DEEP, stormwater permit is independently required. It could hold a public hearing on any stormwater permit application.

We will take a 10-15 minute break at a convenient juncture around 3:30 p.m. At this point we will move to administrative notices taken by the Council. I wish to call your attention to the items shown on the hearing program marked as Roman numeral 1B, items 1 through 94. Does the petitioner have an objection to the items that the Council has administratively noticed? Attorney Hoffman, good afternoon.

ATTORNEY HOFFMAN: Good afternoon, Mr. Morissette. We have no objections.

MR. MORISSETTE: Thank you. Attorney DeCrescenzo, any objection?

ATTORNEY DECRESCENZO: Good afternoon, Mr. Morissette. No objection.

MR. MORISSETTE: Thank you. Lisa Bress?

MS. BRESS: No, thank you, Mr. Morissette. No objection.

MR. MORISSETTE: Thank you. And the Grouped Resident Intervenors, Leslie Harrison, William Williams, and Jennifer Williams, any objection? Hearing no objection, accordingly the Council hearby administratively notices these existing documents.

We will now continue with the appearance of the petitioner. Will the petitioner present its witness panel for the purposes of taking the oath. We will have Attorney Bachman -- will administer the oath for the petitioner.

ATTORNEY HOFFMAN: Thank you, Mr. Morissette. For the petitioner we have five witnesses present in this room. They are James Cerkanowicz, Bryan Fitzgerald, Brad Parsons, Steven Kochis, and Michael Kluchman. We also have, I hope, online, Jeffrey Shamas and Chris Bajdek. And I see them both, so we have them online. With that, that would be our witness panel, Mr. Morissette.

MR. MORISSETTE: Thank you, Attorney Hoffman. Attorney Bachman, please administer the oath.

ATTORNEY BACHMAN: Thank you, Mr. Morissette. Could the witnesses please raise their right hand.

(Whereupon the Windsor Solar One, LLC witness panel was duly sworn in by Attorney Bachman)

MR. MORISSETTE: Thank you Attorney Bachman. Attorney Hoffman, please begin by verifying all the exhibits by the appropriate sworn witnesses.

ATTORNEY HOFFMAN: Certainly, Mr. Morissette. So we have eight exhibits for identification. They are listed in section 2B in the hearing program. They are B1, the petition itself; B2, the abutter notice -- abutter notice letters; B3 the responses to the Siting Council's interrogatories; B4, the sign posting affidavit by Mr. Cerkanowicz; B5, the responses to the Town of Windsor's

interrogatories; B6, the responses to Ms. Harrison's interrogatories; B7, the responses to the Williams' interrogatories; and B8, the testimony of Mr. Cerkanowicz.

So what I will do in the interest of moving this as quickly as possible, if you allow me to, sir, is I will just go around and asked the majority of the witnesses about B1 through 3 and B5 through 7.

So, Mr. Parsons, did you prepare or assist in the preparation of the exhibits that have been listed as B1 through 3 and B5 through 7?

MR. PARSONS: Yes, I have.

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

MR. PARSONS: Yes, they are.

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

MR. PARSONS: No.

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

MR. PARSONS: Yes.

ATTORNEY HOFFMAN: Mr. Fitzgerald, I ask you the same questions. Did you prepare or

assist in the preparation of Exhibits B1 through 3 and B5 through 7?

MR. FITZGERALD: Yes, I did.

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

MR. FITZGERALD: Yes.

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

MR. FITZGERALD: No.

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

MR. FITZGERALD: I do.

ATTORNEY HOFFMAN: Mr. Kochis, the same questions. Did you prepare or assist in the preparation of Exhibits B1 through 3 and B5 through 7?

MR. KOCHIS: Yes.

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

MR. KOCHIS: Yes.

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

MR. KOCHIS: No.

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

MR. KOCHIS: Yes.

ATTORNEY HOFFMAN: Mr. Kluchman, I'll ask you the same questions. Did you prepare or assist in the preparation of Exhibits B1 through 3 and B5 through 7?

MR. KLUCHMAN: Yes.

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

MR. KLUCHMAN: Yes.

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

MR. KLUCHMAN: No.

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

MR. KLUCHMAN: Yes.

ATTORNEY HOFFMAN: Mr. Shamas, I will ask you the same questions. Did you prepare or cause to be prepared the -- the information in Exhibits B1 through 3 and B5 through 7?

MR. SHAMAS: Yes.

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

MR. SHAMAS: Yes, they are.

ATTORNEY HOFFMAN: And do you have any

changes to them today?

MR. SHAMAS: I do not.

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

MR. SHAMAS: Yes, I do.

ATTORNEY HOFFMAN: And Mr. Bajdek, are you -- did you prepare or cause to be prepared Exhibits B1 through 3 and B5 through 7?

MR. BAJDEK: Yes, I assisted in the preparations of those documents.

ATTORNEY HOFFMAN: Thank you. And are they accurate to the best of your knowledge and belief?

MR. BAJDEK: Yes, they are.

ATTORNEY HOFFMAN: And do you have any changes to them hear today?

MR. BAJDEK: No, I don't.

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

MR. BAJDEK: Yes, I do.

ATTORNEY HOFFMAN: Okay.

Mr. Cerkanowicz, we are going to change things up for you. For you, are you familiar with the exhibits that are listed

as B1 through 8 in the hearing program?

MR. CERKANOWICZ: I am.

ATTORNEY HOFFMAN: And did you prepare those exhibits or assist in their preparation?

MR. CERKANOWICZ: Yes, I did.

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

MR. CERKANOWICZ: Yes, they are.

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

MR. CERKANOWICZ: I do not.

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

MR. CERKANOWICZ: Yes, I do.

ATTORNEY HOFFMAN: Mr. Morissette, with that I would ask that the Council adopt the exhibits listed in the hearing program under Roman numeral 2, B1 through 8, as full exhibits and open up cross-examination.

MR. MORISSETTE: Thank you, Attorney Hoffman. Does any party or intervenor object to the admission of the Petitioner's Exhibits?

Attorney DeCrescenzo?

ATTORNEY DECRESCENZO: No objection.

MR. MORISSETTE: Thank you.

MS. BRESS: No. Thank you.

MR. MORISSETTE: Grouped Resident Intervenors? Hearing no objections, the exhibits are hereby admitted. We will now begin with cross-examination of the petitioner by the Council starting with Mr. Mercier, followed by Mr. Silvestri. Mr. Mercier, good afternoon.

MR. MERCIER: Good afternoon, thank you. Most of my questions were answered through the interrogatory process, however I will refer to the site plan and the application for some follow-up questions. The site plan I'll be referring to is under, again, appendix A of the petition on our website. Under the top it says Appendix Site Plan that the document is referring to. And I'll be going to the site plan in that set; it's marked as Suite 2.0, the materials plan.

Looking at the plan at the top of the page that's the north end of the site. You see all the arrays and we have the limited disturbance marked as the black line, and

the limited disturbance goes right up to the property line at the north end of the site, and to the upper left there, you can see some small budding parcels, I believe that's a condo complex. Now, over to the right it states minor tree clearing may be required in this area.

Will there be tree clearing in this specific area that's abutting the property line?

MR. PARSONS: So I can answer that. Brad Parsons. Yes, there is a very minor tree clearing and you see on -- if you're able to zoom in on a that PDF where that call out falls, that is a location -- there is a slight gray dashed line that kind of comes into a point right in the middle of the fence line there in that area between the fence and inside that area. Inside the fence is what -- what would be cleared.

MR. MERCIER: Is there any type of assessment -- what type of vegetation it is? Is it -- is it trees, is it shrubs, evergreens, what is there that needs to be removed?

MR. PARSONS: I believe it is -- it's got to be one or two evergreen trees, sir. Brad Parsons again.

MR. MORISSETTE: Anything else? Mr. Mercier, did you lose your connection? If you lost it, you can't answer me.

MR. MERCIER: Hello. Can you hear me?

MR. MORISSETTE: Yep, can hear you now. Thank you, please continue.

MR. MERCIER: Okay. Yeah, sorry. I left off about the evergreen trees. And I was wondering if the evergreen trees at the northwest corner of the site will be cleared, these evergreen trees that are located along the property line at 166 East Wood Circle?

MR. MORISSETTE: Mr. Parsons, could you repeat your answer for Mr. Mercier?

MR. PARSONS: Yes, sorry, Mr. Mercier, yeah, I didn't realize you didn't hear that. Yes, so the -- again Brad Parsons. So there is at least one or two, looks like, evergreens possibly one deciduous tree in that clump that -- that would be removed and Steve -- I don't know if there's a -- in the

photo log that's a good point to point to as well. But we can follow up and get a point in the photo log to -- that looks at that exact spot.

MR. MERCIER: Okay, thank you. Just as a note as a photo log looking at some of the photos it says, you know, photo log number 3 looking north into the proposed array and number 4, it states the existing trees to remain. There is no notation of any type of tree clearing. So I guess that the basis of my question. So if you could clarify that, that would be great, thank you.

MR. PARSONS: Yeah, so, yeah, I can clarify that -- that there will be some minor tree removal there just inside the -- the fence line.

MR. MERCIER: Okay, thank you. Looking at the site plan again -- again, the limited disturbance goes right along the north property line. But as you go along the west portion of the array, it's setback about 20 or 30 feet from the property line and River Street. I'm trying to understand why there was not a similar buffer to the north

property line with limited disturbance.

MR. PARSONS: Yeah, again, Brad Parsons. So the rationale there is that on the western side where we were keeping that existing vegetation along the street line we set it back mainly for shading purposes on the array. And on the northern side of the site, we don't have as -- shading is not as big of a concern as, you know, the sun is -- pushes that shade to the north. So none of the trees on the north side of the array would cause any shade onto the system.

MR. MERCIER: Looking at the site plan again, was there any consideration of putting panels in the existing field areas to the right, that is east of the sediment trap and southeast of that adjacent barn, that pretty large field area that is not being utilized for this project?

MR. FITZGERALD: Mr. Mercier, this is Bryan Fitzgerald here. The array is designed currently, which allows those additional areas that you're referring to here, those open fields, to continue agriculture use by the landowner either

through hay production or another type of use, and that was -- that was by design that was desired at that point in time. So there was a goal for us working with the landowner in developing this project that left a certain amount of acreage available to be continued in use as a hay production that the landowner or tenant farmer could use. The property owner keeps cattle in different areas on the property and, you know, the desire to grow hay and support those cattle is still there. So that's a little background on why some of the areas of the parcel were used for the project and why others were left open and available.

MR. MERCIER: What options do you have to increase the buffer of the limited disturbance in the fence, which is 7 feet from the property line, move some panels in that area in that northern portion to other areas of the site?

MR. FITZGERALD: Yeah, great question. This is Bryan Fitzgerald again. So what Brad and myself and Attorney Hoffman have been discussing is testing the feasibility

of doing just that, creating more buffer to the north by relocating some of those areas to the south pretty much where you're seeing that existence stormwater basin. So in order to do that, and again, this goes back to quote unquote testing the feasibility. We've got to work with Steve Kochis, for example, at VHB and run the stormwater calcs to understand if that's going to be feasible from a storm water perspective.

So to your point, that's something we're undergoing in the background currently, and I would say creating how much buffer is currently up in the air. Now, that's what our work with Steve at VHB will conclude and say by shifting the stormwater basin, or effectively turning it into a rectangle, creates X amount of feet to the south that we could shift everything and then create that buffer to the north. So to your question, that's exactly what we're working on, addressing in the background and something we're committed to finding the answer to. And I believe that would kind of create what you might be asking for, which

is that buffer area to the north.

MR. MERCIER: Thank you. In regards to the sediment basin, is that an excavation basin? Is it, the entire thing, it would be sunken into the ground, or is the north side of -- kind of that grade and then you kind of push out soil to the south, east, and west?

MR. KOCHIS: This is Steve Kochis with VHB, I'll tackle that question. I would say it's primarily an excavation basin. There is a small amount of berming that we're proposing along the southern edge, but the ground is very flat and, you know, relatively speaking, in that area. And so to drain to it by gravity it really has to be an excavation basin and we're just berming the south end by maybe 6 to 12 inches for the rip rap spillway outlet.

MR. MERCIER: I didn't hear the second part, how deep is the basin --

MR. KOCHIS: The basin is, at the largest cut, the basin is between 3 and 4 feet total cut from existing grade at the northwest corner, and it's an average of

about a 2 foot cut. Were you able to hear that response?

MR. MERCIER: I did, thank you. Regarding the spillway, is that a -- it says rip rap, okay. How is that area protected besides the spillway, itself? I know you said you might have a small berm, so if water overflowing for whatever reason -- whatever reason, how is the actual berm protected itself from collapsing around the spillway structure?

MR. KOCHIS: I'll field that one again. So the berm is -- it has a top width of about 5 or 6 feet and it only being about 6 or 12 inches it's an incredibly low chance of failure. The spillway, the crest of the spillway, is at existing grade. That's where the water will begin to exit the basin and go to the south towards the delineated intermittent watercourse. I would have to go back and look through the hydrocab report but I don't expect that -- the water in that basin is ever going to get above a couple inches high against the berm material.

MR. MERCIER: Okay, thank you. For the

areas served by that basin, is it safe to say it's basically on the northern portion and a portion of the east, you know, and maybe, you know, up at the end of the barn that's next to the basin, you know, at the east end of the barn, is that water pretty much all going through the basin?

MR. KOCHIS: Yes, I think I would direct the -- the -- the response to the question to the stormwater report from the existing and the proposed drainage maps which delineate out the specific watershed that goes to that area.

MR. MERCIER: Okay. For the far east side, why is there no basin required in the area --

MR. KOCHIS: It's due to the size of the watershed.

MR. MERCIER: So the only controls there would be the perimeter steel fence?

MR. KOCHIS: Due to the size and erosion control guidelines of the state under certain acreage, it can be handled solely by perimeter controls without the use of a sediment trap.

MR. MERCIER: Were you able to visit the site when the stormwater plan was developed? I guess the question is, is there water coming off the Amazon site that abuts to the northeast that could somehow impact your construction or is water from that site contained sufficiently?

MR. PARSONS: This is Brad. I'll take that, at least as a start and allow Steve to jump in where necessary. But there is an existing stormwater basin on the Amazon facility just in probably the southern corner of the -- that parcel. That basin is -- my understanding discharges to the southeast to the wetland system that's on the southeast portion of the site plan 2.0, so really the only stormwater that we are seeing come down from Amazon that I understand -- it is really the hillside between the project site and the Amazon stormwater basin.

MR. MORISSETTE: For the benefit of the court reporter could you please state your name before you respond. I know I am having a hard time determining who's speaking. Who

just responded to that question?

MR. PARSONS: Sorry, Mr. Morissette. That's Brad Parsons, I thought I had said my name.

MR. MORISSETTE: Thank you, Mr. Parsons. That's just a reminder, please. Thank you.

MR. PARSONS: Yep.

MR. MERCIER: Thank you. Looking at the site plan again, over on the west side coming off River Street, you know, you have the new proposed access road, looks like slightly south of there is the existing farm dirt road, I'll call it, that extends from River Street. Why can't that entrance be used to access the facility rather than constructing a new access way?

MR. PARSONS: This is Brad Parsons. So with regards to that, it really has to do with the way the tracker racking is constructed here and that is the rationale for coming out there straight as well as being able to make the appropriate turning movements in and out of the sight. If we had to come down and stake out that existing entrance, it would just become difficult

with the racking. That, however being said, as we look at the feasibility of the sliding of the system to the south, a little bit, I would say that it's probably likely that if that were to be able to happen, that the road would shift with it as well and likely probably line up fairly well with more or less that existing entrance.

MR. MERCIER: Okay, thank you. Looking at that new access road near the electric line, extending from the inverter pad and it will run down, you know, along the western extent of the site, and is that underground all the way to the utility poles south of the array? Is that transitioning overhead at that point?

MR. PARSONS: Yeah, this is Brad Parsons. Yes, it is underground from the utility pad all the way to the south point of the site where it then transitions overhead to three proposed utility poles and then actually transitions back underground down River Street to a fourth utility pole at the corner of River Street and Old River Street.

MR. MERCIER: Thank you for the clarification.

MR. KOCHIS: Mr. Mercier, this is Steve Kochis of VHB. Can I add some color to your prior question about the reuse of the existing farm path? I just want to make reference to photo 2 in the photo log that was prepared in our interrogatory responses and state that, you know, there is no existing curb cut traditional driveway in the area so -- so either way, whether we're reusing the existing farm path or creating our own new access road, we would need to perform the same construction of the road and the curb cut either way.

MR. MERCIER: For your new curb cut, I asked in the interrogatories about the existing catch basin, which is right on your entrance really. Is -- it appears to be like a raised concrete catch basin. Would you have to replace that or would you try to cover it up and protect it as much as possible?

MR. KOCHIS: This is Steve Kochis again. I'm not sure we have those exact

construction specific details yet but I believe the petitioner's anticipation at this time would be that we would likely have to replace the catch basin top and ensure that it's a flat top that works with the access driveway the way that we're proposing.

MR. CERKANOWICZ: This is James Cerkanowicz. I can speak and say that I did address that question in one of the interrogatory responses. I apologize, I don't recall the specific one. We would intend on making that visible through the use of erosion protection and then if impacts resulted in the need to replace that catch basin top, we would do so.

MR. MERCIER: Thank you. Response to interrogatory 16 said that there was some existing grazing at the site, I think it was Angus Beef Cattle. Is that grazing activity limited to the southernmost barn area on the post parcel in the site layout 2.0? There's two barns, the southernmost barn, is that where the grazing activity is?

MR. MERCIER: Mr. Mercier, this is

Bryan Fitzgerald. That grazing activity exists in the corner of River Street and Old River Street there in the southwestern most portion of the property. So, for example, if you're moving down River Street or Old River, excuse me, going west, that barn would be nearest on your right. So it's more so towards the frontage of Old River there at the corner.

MR. MERCIER: Okay, thank you. Looking at the row of panels when you zoom in a little bit, you know, and the other rows there would be a row of panels of vertical or south, and then there's a small black line connecting to another row of panels. Is the black line, represent where the -- the connecting black line, is that where the motor would be located the tracker units, themselves?

MR. PARSONS: This is Brad Parsons. Yes, that's exactly the case.

MR. MERCIER: Is it one motor for the north and south row or is there like a set of motors, two motors? Let's get a sense of how that's set up.

MR. PARSONS: Again, Brad Parsons. Yes, it's one motor for the north and the south portion of that array block. Maybe -- again, Brad Parsons -- maybe better clarify. That small black line that goes north-south represents one single motor.

MR. MERCIER: I'm going to the move down to sheet number 5, I believe. Sheet 5, there is -- there is a notation for a permanent stormwater basin. Is there a permanent stormwater basin at this site?

MR. KOCHIS: This is Steve Kochis. No, that would be erroneous. The one stormwater basin that's proposed is proposed to be temporary.

MR. MERCIER: And I'm gonna move down to the next sheet down, it's the landscape plan it's sheet L1.1. And looking at the table up in the upper right-hand corner there, are tree species, and I believe there are 29 deciduous type trees and 13 evergreens. Would it be possible to install more evergreens at the site along that side because in the wintertime would there be views of the facility if there -- if the

evergreens are sparsely populated?

MR. KLUCHMAN: Yes, this is Michael Kluchman, VHB architect. Yes, there is definitely more room for additional evergreen plant materials that could be along that border.

MR. MERCIER: Looking at the plant schedule, I just want to confirm that when I said size, those are the heights you're going to be planting at -- those are the heights at planting, correct?

MR. KLUCHMAN: Yep, Michael Kluchman, VHB. Yes those are the installed sizes.

MR. MERCIER: Are any of the species prone to extensive feeding by deer eating and damaging the plants. Are these deer resistant?

MR. KLUCHMAN: There -- yeah, it's Michael Kluchman again. I would say deer resistant is the correct term. Nothing is deer proof, but these are not prone to deer damage.

MR. MERCIER: Looking at the north end of the site, the northwest corner, I see, you know, that the plant is going to end.

They don't all the way extend up to the northwest corner. Is there any particular reason for that?

MR. PARSONS: This is Brad Parsons. I think that that original thought there was that the existing vegetation was being maintained as -- as part of that through that area. However, to add to the additional evergreen plantings that were just discussed, I think those can also be extended to the north to fill in behind that existing vegetation as well.

MR. MERCIER: Okay. Looking at the left side of the plan there's a note where it says River Street, it says remove existing vegetation within limits.

Are you taking out the vegetation that is along the road? Is that what that note means? I could not understand what that meant.

MR. PARSONS: Brad Parsons. Yes, that -- that -- the intent was to remove that -- that vegetation through those limits. It's pretty scraggly as it gets to the end of each of those portions. So the

thought process was to take a little bit of it back through there and kind of clean that area up while we go in and do the additional plantings.

MR. PARSONS: So -- Mr. Mercier, go ahead.

MR. MERCIER: Yeah, so the vegetation there is kind of scraggly, that's a good term, is that correct, it's kind of sparse and maybe damaged?

MR. KLUCHMAN: Yeah, so Michael Kluchman here again. Yes, and not only that, there is invasive plants, the Bittersweet Vine that has really taken off in there. And so, I mean, regardless we want to get those out of there and once we do that, there's really not going to be much left to save and we'd rather get the light in the space for new healthy plantings.

MR. MERCIER: So at the south end of the site here, it says existing vegetation to remain so I assume you did an assessment of the vegetation there and determined it was not overrun with invasives or it's sufficient for the health to retain; is that

correct?

MR. KLUCHMAN: Yes, Michael Kluchman again. Again, it's also -- yes, and also it's wider, more dense so I can't say that all the plant material there is ideal but it is serving as a visual buffer there to leave that amount there. I guess I'll go so far as if, you know, there was some additional basic removal in that row that would be possible, we could leave the bulk of that material.

MR. MERCIER: Along the River Street, you know, the host parcel that abuts River Street area, is there an existing wire fence and, if so, is that staying in place?

MR. FITZGERALD: Mr. Mercier, this is Bryan Fitzgerald. There is existing fence there that would remain in place and continue to service existing agriculture activities on the property.

MR. MERCIER: Okay. When you're doing construction of the site, if this was approved, how would dust be managed, you know, it's a windy day and you're kicking up dust during activities, what type of

controls would be implemented to keep dust out?

MR. KOCHIS: This is Steve Kochis at VHB. I would say first and foremost in response to that, that as noted at the top the petitioner has a responsibility to secure a water quality and air quality permit from CTDEEP, which will govern, you know, dust control in part from that. The exact methods that would be employed at the site would be really at the -- at the discretion of the contractor that ends up building it. But such -- such things could include the use of calcium chloride or the use of a water truck during the dryer portions of the year.

MR. MERCIER: Okay, thank you. During operation of this facility, would it cause any type of interruption to cell phone service or anything of that nature?

MR. PARSONS: This is Brad Parsons. We're unaware of the facility causing any interruption to cell phone service.

MR. MERCIER: I understand the panels are on a tracker system. Are these panels

parabolic in nature? Do they concentrate any type of light or glare, or are they some other type of panel?

MR. PARSONS: Brad Parsons again. These are a flat panel, so they are not parabolic in nature. They don't concentrate any type of light in a specific spot.

MR. MERCIER: Regarding the electrical equipment, you know, I understand you'll have some noise producing equipment identified as the invertors and the transformers. Would these -- would this equipment operate at night?

MR. PARSONS: This is Brad Parsons. No, the invertors do not operate at night.

MR. MERCIER: Do the transformers make any type of noise at night?

MR. PARSONS: This is Brad Parsons. I do not believe that the transformers would be making any noise at night either due to the fact that there is no actual generation occurring at the site during the nighttime hours.

MR. MERCIER: Regarding post-construction use of the site, you know,

sheep grazing is proposed at that the site. Is it more cost-effective to use sheep grazing or using mechanical means to control vegetation in the array?

MR. FITZGERALD: Mr. Mercier, this is Bryan Fitzgerald. Based on current rates for both of those activities, traditional landscaping or sheep grazing at this point, it's about a one-to-one. So it's not necessarily cheaper. It's not necessarily more expensive to do one versus the other.

MR. MERCIER: I did notice on your site plan, there was a 4 to 6 inch gap at the bottom of the fence for wildlife movement. But if you are going to graze sheep at the site, does the fence have to be almost flush with the ground or can you maintain that 4 to 6 inches for wildlife?

MR. PARSONS: This is Brad Parsons. We'll need to actually revise that detail to remove the 4 to 6 inch gap because that will need to go to bottom. However, we are using the agricultural style fence, mesh which has a larger gap hole than your standard chain-link fence, that will also allow for

that wildlife passage.

MR. MERCIER: That standard agricultural fence, does it have a uniform mesh size or does the mesh size get tighter as you get towards the ground?

MR. KOCHIS: This is Steve Kochis, VHB. I, you know, I think there are multiple different technologies that could be employed for the installation of the fence, but I think the anticipation would be a uniform mesh all the way down.

MR. MERCIER: If sheep were not grazed at the site, would the use of a pollinator habitat be amenable to the petitioner, you know, wildlife pollinator seeds and flowers, things of that nature?

MR. FITZGERALD: Mr. Mercier, this is Bryan Fitzgerald. Yes, it would. That's currently part of our seed mixture to support the grazing activities as well. That's something we'd do either way with or without the sheep grazing. For example, we wouldn't want to preclude the future use of aviaries for beekeeping, for example, not sheep grazing but another potential co-use

that is widely used in solar projects like this.

MR. MERCIER: For the sheep grazing, is there any -- do you to know if there's going to be any type of collection, piling of manure, or anything in any of the areas of the site?

MR. FITZGERALD: Mr. Mercier, this is Bryan Fitzgerald. In our experience, which is a couple years, couple grazing seasons under our belt at this point, the sheep manure hasn't unnecessarily piled up in any one location. It more so gets distributed across a wider area. For example, I believe about 13 acres or say 13 and a half acres of project area, which would be split up into quadrants and grazed appropriately, that manure would effectively spread across that area as the sheep travel and graze. That's been our experience. That's what we've witnessed firsthand.

MR. MERCIER: Right. I guess my question was, no one's going to go out and collect it and pile it, the answer would be no, correct?

MR. FITZGERALD: Yes, again, this is Bryan Fitzgerald. The answer to that would be no. The manure would remain on-site and integrate, biodegrade with the soil as it does with other livestock grazing situations.

MR. MERCIER: For the solar array and invertor paths, is there any type of night lighting that would be on all night, any lighting at all?

MR. PARSONS: This is Brad Parsons. There would be no lighting or any lighting proposed as part of the project.

MR. MERCIER: Thank you. I think that is all my questions. Thank you very much.

MR. MORISSETTE: Thank you, Mr. Mercier. We will now continue with cross-examination by Mr. Silvestri, followed by Mr. Nguyen. Mr. Silvestri, good afternoon.

MR. SILVESTRI: Good afternoon, Mr. Morissette, and good afternoon all. Let me start with a follow-up from one of Mr. Mercier's questions that I didn't quite understand or hear correctly. He was talking about the motors for the trackers

and that dark black line that runs from west to east, if you will, on the different arrays.

Is there one motor per vertical column, if you will, of panels? So that if I look across -- you probably have, I don't know, maybe 30 motors or so in one different array?

MR. PARSONS: Mr. Silvestri, this is Brad Parsons. That is correct. What I will say, though, is that the location above the access road is actually two separate, basically, array blocks are tracker blocks. So there is, on the north side, there's two rows of motors for each of those arrays. And then when you get down to the location below the road, each of those vertical blocks is one single tracker all the way across. And so it's one motor per each of those blocks below the road.

MR. SILVESTRI: Yeah, per each, okay, thank you. Then moving on to my questions, how would the tracker motors be powered?

MR. PARSONS: The tracker -- this is Brad Parsons. The tracker motors are grid

powered, so they're fed back in through our transformer and fed off of the power, basically, coming from the grid and the system at the same time, in essence.

MR. SILVESTRI: So I need to understand that a little further. Will the power actually be through transformers from the solar panels or there'd be a separate connection to the distribution system?

MR. PARSONS: No, it -- this is Brad Parsons -- there's not a separate connection to the distrubution system. It comes off of the transformers that are serving the solar site. So on the low side of those transformers, there is just a different distribution panel that's solely associated with the tracker motors.

MR. SILVESTRI: Understood, thank you. And staying with the trackers for a couple more questions. Do the tracker motors require any maintenance?

MR. PARSONS: This is Brad Parsons. Yes, they do require some maintenance. I believe it is they just need to be reoiled or greased around year ten, I believe, in

the manual for the tracker manufacturer.

MR. SILVESTRI: And there would be enough room between the panel arrays that you could get in there and service those motors?

MR. PARSONS: This is Brad Parsons. Yes, it's actually 8 feet between those -- between the two panels, themselves. It does look tight when you're looking at it on the site plan but -- but there's 8 feet between the edge of the panels when they're flat and 0 degrees tilt.

MR. SILVESTRI: Very good, thank you. Am I correct, that when you looked at the noise for the trackers, you have 51 dBA? That wouldn't be continuous, though, correct? That would only be when the tracker is actually tilting a little bit to follow the sun?

MR. PARSONS: This is Brad Parsons. That's correct, Mr. Silvestri, it's actually -- that's when the track -- the motor is running at full power, right, so it's not, you know, very rarely, you know, will the tracker motors run at what I would

call full power because it is slowly moving back and forth to catch the sun. So it really -- situations where it would run at full power is basically when it's going through a slow-motion situation due to maybe high winds. But you are correct that that's not a continual noise throughout the day as that -- that motor is running, moving the tracker.

MR. SILVESTRI: Very good, thank you. I want to change gears and talk about sheep for a few moment. It's mentioned in the draft grazing plan that's dated August 2023, that the ElectroNet portable fence would be powered either using a portable battery, a battery/solar, or a 110-volt power supply. Then in response to counsel interrogatory 45 it states that the power would come from a 12-volt battery attached to an independent solar charger. So is the 12-volt battery/solar charger the method of choice?

MR. FITZGERALD: Mr. Silvestri, this is Bryan Fitzgerald. That is correct. That 12-volt battery, powered by its own individual much smaller solar panel, has

been the choice, that's what we've witnessed, that's what's sufficient, that's what's been used previously with success.

MR. SILVESTRI: Thank you. Now, would the ElectroNet fence be installed around each of the four paddocks or would it be installed, say one paddock and then after grazing is done, it would be moved to another paddock to start the grazing there?

MR. FITZGERALD: Mr. Silvestri, this is Bryan Fitzgerald. That's correct, the latter. So it's used in one paddock and then moved to another paddock and then again moved to another paddock. So the whole -- the whole array is not, you know, crisscrossed in ElectroNet fencing. It's used for one paddock and then adjusted accordingly, keeping the sheep corralled in one location while moving them to the next paddock.

MR. SILVESTRI: Very good, thank you. Going to change gears and I'd like you to look at your appendix L, which is the spill prevention and material storage plan. And let me know when you're -- when you're ready

on that one.

MR. FITZGERALD: Ready, sir.

MR. SILVESTRI: Thank you. If you look at number 3, which has specific spill response and material handling procedures, you have refueling and material storage and then there's a bunch of bullets underneath that. The first bullet has all light-duty construction support vehicles. Could you define what all light-duty construction support vehicles are?

MR. PARSONS: This is Brad Parsons. Yes, sir, those are mainly pickup trucks, you know, you know, commercial vehicles that would be used on, you know, public roadways so the intent there is that any -- any vehicle that is able to be used on public roadway would be filled up at an off-site service station.

MR. SILVESTRI: So how does that differ from the second bullet where you have refueling of vehicles? What would vehicles in that second bullet be defined as?

MR. PARSONS: Mr. Silvestri, you brought up a good point since bullet number 3 says

vehicles or machinery.

MR. SILVESTRI: I was getting there too, go ahead.

MR. PARSONS: So I take your point there and I think we can make some adjustments to this plan to make sure it is -- that vehicles is changed to machinery and that vehicles is removed from bullets 2 and 3.

MR. SILVESTRI: Okay. Then the related question I have, is it your intention to store fuel on-site?

MR. PARSONS: This is Brad Parsons. I think that at times our contractors do like to have the diesel fuel on-site to refuel the machinery, but that is just during the time of construction. And so there is no intent to store fuel on site after any construction activities were -- were -- be completed.

MR. SILVESTRI: No, I understand and am referring to construction. But the question I have is, if you intend to store, do you know how much, excuse me, how much and where that such fuel might be stored?

MR. PARSONS: This is Brad Parsons. I

believe the maximum that we allow to be stored is around 1300 gallons. And then the storage of that is just got to be outside of any of the wetlands or watercourse, but there's no specific location on site identified for where that storage would be.

MR. SILVESTRI: At this point?

MR. PARSONS: At this point.

MR. SILVESTRI: Okay. All right. I'm going to hold that thought for a while. Okay. Changing gears and going back to one of Mr. Mercier's questions. You can refer to either drawing C-2.0 or what I have as the proposed project layout in figure 5. And he had asked the question about the interconnection being underground and then going overhead to poles and then going underground again to the corner.

My question is, why -- why is there progression from underground to overhead and back to underground?

MR. CERKANOWICZ: Mr. Silvestri, this is James Cerkanowicz with Verogy. That is as dictated by Eversource. Eversource typically will try to maintain overhead

where practicable for maintenance and for ease of construction and go to underground where also in keeping with some of the area.

So that is why we go from Eversource indicating that it would be an overhead connection, so that they don't have to essentially tear up the road to connect, and why transitions to, underground, so that the long run of electrical supply from Eversource is maintained underground in keeping with that area, and it pops back to over it because that is what they desire for the location of the -- the way of maintain and operate the metering and the recloser equipment that they install. So then we matched it at, for the likewise our construction of our two poles before, again, transitioning back to underground.

MR. SILVESTRI: At this point did Eversource state, or do you know which poles would contain the primary meter, the recloser for Eversource, the GOAB switch, and the recloser for you?

MR. CERKANOWICZ: Again, James Cerkanowicz. Yes, the pole at the

intersection of River Street and Old River Street, that would contain Eversource's recloser. Then it continues underground in the grass shelf of the road. And then the second pole installed further north there by Eversource, that would contain primary meter and then the next two poles to the east, that would be installed by us. The first would contain our GOAB switch and the second contained what is sometimes referred to as a recloser or a redundant relay that we would install.

MR. SILVESTRI: So the middle pole of the three would have to GOAB?

MR. CERKANOWICZ: James Cerkanowicz again. That is correct.

MR. SILVESTRI: Okay. Now, with that pole connection, was there any discussion with Eversource about using pad-mounted equipment instead of using poles?

MR. CERKANOWICZ: James Cerkanowicz again. We take our direction from Eversource on what they recommend and they indicated that the pole-mounted option is what they would like to go with.

MR. SILVESTRI: All right. Let me -- let me continue on that with a slight diversion. I didn't notice any utility poles on River Street west of the site, only light poles; is that correct?

MR. CERKANOWICZ: This is James Cerkanowicz. Yes, that's correct.

MR. SILVESTRI: Okay. So I would say the distribution line that's on that part of River Street would then be underground. Do you know if that's correct?

MR. CERKANOWICZ: James Cerkanowicz. Yes, that is correct. There's a separate distribution line that is only single phased then on the west side of River Street that gives the service to the condominium complex and other residences on the street.

MR. SILVESTRI: So because it's single phased, would that rule out any type of underground interconnection to that distribution system?

MR. CERKANOWICZ: Mr. Silvestri, that would be a question for Eversource. But they looked into different options and they selected the one that I believe is the most

feasible and most reasonable for construction.

MR. SILVESTRI: Yeah, I'm just looking at, you know, if you go underground and aboveground and underground, I'm looking at an easier way to try to keep everything underground. That's where my comments were coming from.

Let's stay on that figure 5, if you will. And one of the things that I'm confused about is that you have the temporary sediment trap labeled as temporary. And two questions there, first of all, it would be outside the fence area; is that be correct?

MR. PARSONS: Brad Parsons, Mr. Silvestri. Yes, it's outside the fence area.

MR. SILVESTRI: And what does it mean by temporary? Is there some type of plan that it would be removed somewhere along the lines in the future?

MR. PARSONS: Mr. Silvestri, this is Brad Parsons again. Yes, that is correct. It is only required during the active

construction. It is not required for a post -- any type of post-construction stormwater runoff. So that's why after construction it would be filled back in with the soil that is -- was used to excavate it out and restore it to existing conditions.

MR. SILVESTRI: Okay, thank you. Again, staying on either figure 5 or back to C-2.0 and in the inland -- I'm sorry, in the wetlands and watercourses delineation report, it states that stream S01 was observed flowing south out of the project area. What -- what's the origin of S01?

MR. SHAMAS: This is Jeff Shamas from VHB. The -- at this time when we were out in the field, all we saw was it erupting out into this channel but did not identify anything in particular leading us to where it may have originated from.

MR. SILVESTRI: So you say erupting. Is there some type of underground flow that is making its way to the surface?

MR. SHAMAS: I believe it was like a groundwater discharge spring fed.

MR. SILVESTRI: Could I parallel that to

an artesian well, if you will?

MR. SHAMAS: It may not be exactly the same as an artesian well but it's similar to a -- it was intermittent so it does discharge at times of the year and other times it does get dry.

MR. SILVESTRI: Possibly at high groundwater levels?

MR. SHAMAS: Correct.

MR. SILVESTRI: Okay. Do you know if there's anything that's dependent upon that S01?

MR. SHAMAS: In terms of species or plants?

MR. SILVESTRI: Yeah.

MR. SHAMAS: Nothing that is intolerant of the infrequency of being wet or dry. So nothing that we identified as being sensitive.

MR. SILVESTRI: All right, thank you. And let me have one other follow-up with Mr. Mercier's line of questioning. You had mentioned -- somebody had mentioned that there is a potential for moving the arrays to just south somewhat. A related question

I have, if you look at drawings C-2.0, is there a possibility of moving some of the panels say either from the north or from the west side along River Street to the area that's just north of the turnaround and the proposed equipment pad to kind of fill in that little triangle where you have that, trees may be removed in that area?

MR. PARSONS: This is Brad Parsons. Mr. Silvestri, I think as we look at, you know, the feasibility of some of these shifts and how that could affect, we could definitely look at that area as well. It does -- if you notice, though, where the equipment pad and the fence come in, the fence is kind of at an angle, and while there is some space there, it is less space than the tracker that is right adjacent to it. So obviously, it would require a smaller tracker then that's even there right now. So, again, we can -- I think as we look at some of the shifts and movements, we can evaluate some additional open -- any open space that we're able to occupy.

MR. SILVESTRI: So the short answer

would be it's possible?

MR. PARSONS: This is Brad Parsons. Yes.

MR. SILVESTRI: Okay, thank you. Then, I would like to turn to appendix J, which is the visual impact assessment. And the question I have is, why did that visual impact assessment only focus on properties to the north of the proposed project?

MR. KOCHIS: This is Steve Kochis. You know, we -- we analyzed -- we analyzed what we perceive to be the closest -- the nearest resident in concert with the Siting Council's regulations.

MR. PARSONS: This is Brad. I'll also add I think we -- we understood that there is visibility from the residence on the western side of River Street, which is why we actually proposed the landscape screening there right off the bat as well.

MR. SILVESTRI: Yeah, that was my related question. You know, what are the anticipated views from Sunrise Circle, Early Dawn Circle, and say Brighten Circle? That's kind of what I was getting at, that

the focus here was just on the north, but there could be potential views from the west and that's why I was curious as to why it only focused on the north.

MR. PARSONS: Yeah, again, this is Brad Parsons. I think that just to reclarify that I think we understood that there were abilities from the western side as well. And I think we -- we identified that in the petition and, you know, again the reason for the landscape plantings.

MR. SILVESTRI: All right. So in response to the town's interrogatory number 6, WSO commented that a landscape berm along River Street is neither feasible nor appropriate and that was assuming a 3 to 1 slope. And the town planner, Mr. Barz, if I'm pronouncing his name correctly, provided pre-filed testimony that included comments on an undulating berm with a 1 to 2 slope. Any response to what was stated in that pre-filed testimony from Mr. Barz?

ATTORNEY HOFFMAN: If we could have one moment, Mr. Silvestri.

MR. SILVESTRI: Please do.

ATTORNEY HOFFMAN: Thank you, Mr. Silvestri.

MR. SILVESTRI: Mm-hmm.

MR. PARSONS: So this is Mr. Parsons. The pre-filed testimony obviously was provided after we provided the response to the interrogatory, you know, however a varying berm 4 to 6 feet in height is likely not going to achieve either what they are -- what they're looking for with regards to visibility.

MR. SILVESTRI: All right, thank you. Then I think this is my last set of questions. And I want to refer to the pre-filed testimony of Mr. Cerkanowicz if I also pronounce your name correctly. To my knowledge, sunset on January 29th was, say, 5:04 p.m. The question I have, why were the pictures that you have in that pre-filed testimony taken after sunset?

MR. CERKANOWICZ: This is James Cerkanowicz. The purpose of the photos was to show a visual representation of how the lighting from the Amazon facility is quite apparent at that time of night due

to the lack of vegetation that in the wintertime. There is mostly deciduous vegetation between River Street and the Amazon facility and therefore there is high visibility of both the illuminated building and the lighting that is in the parking lot for that facility.

MR. SILVESTRI: So related to that, is there, say, anticipation that if the projects approved that the solar project and landscaping will screen some of the Amazon facility lights?

MR. CERKANOWICZ: This is James Cerkanowicz. I can't comment on whether or not it will or will not screen from the lighting of Amazon, but I do not believe that it would.

MR. SILVESTRI: Okay. Because like I said, I'm still confused as to why pictures were taken, but I'll go with what you just stated for your testimony. Thank you.

Mr. Morissette, I think that's all I have at this point. I've got to regroup and maybe come back at a later point, but thank you for now and thank you panel.

MR. MORISSETTE: We will now continue with cross-examination of the petitioner by Mr. Nguyen, followed by Mr. Golembiewski. Good afternoon, Mr. Nguyen.

MR. NGUYEN: Good afternoon, Mr. Morissette. Thank you very much and good afternoon everyone. Let me start with a few follow-ups with respect to the visual impact from the northern side and from the western side. Would there be a visual of the fence or the solar facility during the off leaf condition?

MR. FITZGERALD: Mr. Nguyen, this is Bryan Fitzgerald. I would believe that there would be from the west if the west is considered River Street.

MR. NGUYEN: And in terms of the woods/trees in between, how tall are those woods and trees, do you know?

MR. PARSONS: This is Brad Parsons. The -- the wood from the north side, I think, vary from approximately 60 to 80 feet in height. I would say the vegetation along River Street probably varies more to from that 60 foot level down to nothing.

MR. NGUYEN: If I could ask you to -- bring you to figure number 5, what Mr. Silvestri was asked. Now, with respect to those poles, are they in the public's right-of-way or they would be on private property?

MR. CERKANOWICZ: This is James Cerkanowicz. The two poles installed by Eversource would be in the public right-of-way. The two poles installed by us would be on the property.

MR. NGUYEN: I'm sorry, there are three. So two will be installed by the company?

MR. CERKANOWICZ: This is James Cerkanowicz. My apologies I was referring to the -- of the three poles that you see clustered, one would be -- if the one to the left closest to the road would be by Eversource in the right-of-way, the two to the east would then be on the property.

MR. NGUYEN: And the discussion of having those poles aerially versus underground and you testified earlier that Eversource preferred to be aerial; is that right?

MR. CERKANOWICZ: That is correct. That was -- James Cerkanowicz again. Yes, that is what Eversource designated in their study and results and recommendation for the design.

MR. NGUYEN: Now, to the extent that Eversource installed the poles and the company installed the other poles, who encouraged all those poles; is it the company?

MR. CERKANOWICZ: This is James Cerkanowicz again. Eversource has in the interconnection agreement that they issued to us, indicated the cost that we bear to have Eversource construct and install the overhead connection, install the poles and their equipment, and to run the underground cable. And that is our contractor's responsibility, to actually excavate and install a conduit for the underground cable that will be in the River Street right-of-way.

MR. FITZGERALD: Mr. Nguyen, this is Bryan Fitzgerald. To clarify that all cost to interconnect the facility are borne by

the project. So any pole that Eversource has to install, any upgrade, anything that we have to install is all borne by the project. They bill that back to us through the interconnection agreement.

MR. NGUYEN: Thank you for the clarification. To the extent that if the company prefer underground, do you anticipate a problem that Eversource may not agree to that?

MR. FITZGERALD: Mr. Nguyen, this is Bryan Fitzgerald. I wouldn't necessarily anticipate a problem. I think James's point earlier, the feedback that we've got from Eversource in the past is that when the equipment, the closers, the GOABs, the meters, the primary meter that is, is pole-top mounted, I believe they indicate it's serviceability is a little bit easier. And I'd also like to clarify if it was not pole-top mounted, the meter and equipment would not be underground. It would be ground service -- ground surface pad mounted in a transformer shell cabinet.

So it's not like the entire apparatus

subsequently gets buried and not visible whatsoever. It would be mounted above surface on a concrete pad, for example, similar to how other electrical equipment for the proposed project is mounted. It just wouldn't be on top of a standard utility pole.

MR. NGUYEN: Yeah, thank you. That's what I'm referring to, the ground and pad mounted. I understand. Not going to be all underground, thank you. Now, sitting here for a minute with respect to construction this is dated on section 6.2, the proposed project, the construction would take place on Saturday from 8:00 a.m. to 5:00 p.m.; is that right?

MR. PARSONS: This is Brad Parsons. We obviously put that into the petition as a option for the contractor should it -- it be required but it is for a facility of this size. Usually work is done between Monday and Friday.

MR. NGUYEN: Okay. So Saturday just in case, if needed?

MR. PARSONS: Brad Parsons. That is

correct.

MR. NGUYEN: Now, with respect to the length of the project, construction project, how long would it take from commencing from the beginning date to ending date?

MR. PARSONS: This is Parsons again. A project of this size with the illuminated amount of civil work required to start would probably be in the duration of probably 4 to 6 months probably on the on lower side of that even eventually.

MR. NGUYEN: Going back to figure number 5, the company earlier testified it's a possibility that the company is looking to move some of the panel in the temporary basin area; is that right?

MR. PARSONS: This is Brad Parsons. Yeah, the intent is to look at the feasibility of that in sliding those panels down. And again, if we were to do that, the construction of that temporary stormwater basin would likely need to adjust to still contain the correct volume required for that, so whether it would get, you know, slightly elongated or possibly need to go

deeper as well.

MR. NGUYEN: And am looking at that figure number 5, the green line along the perimeter there, that's the fence area?

MR. PARSONS: This is Brad Parsons. That is the fence line for the facility.

MR. NGUYEN: Because I'm looking for the south which is to the east side of the temporary basin. I see that's an open field there and I'm just curious as to this particular area, was there any restriction that some panels can be moved to that southeastern area?

MR. FITZGERALD: Mr. Nguyen, this is Bryan Fitzgerald. The area to the east of the basin, that's what you're referring to?

MR. NGUYEN: Yes.

MR. FITZGERALD: Yeah, so that is currently outside of that black line that is very close to the green dashed line in that area that represents the limits of disturbance or potential lease area. And as indicated earlier, that's an area on the property that's being reserved for continued agriculture activity by the landowner, for

example, the growth of hay and the cutting of hay to support existing animals on site.

So to Brad Parson's point, part of one of the feasibilities that we are kind of looking into is if we elongate, -- shift the entire array south creating more of a buffer on the north, if that hay can still be grown and cut in that area without -- without obstruction by the landowner.

MR. NGUYEN: Just give me a few seconds Mr. Morissette, I'm going down the list. I believe that's all I have now, Mr. Morissette. Thank you, gentlemen.

MR. MORISSETTE: Thank you, Mr. Nguyen. We'll now continue with cross-examination by Mr. Golembiewski. Good afternoon, Mr. Golembiewski.

MR. GOLEMBIEWSKI: Good afternoon, Mr. Morissette and good afternoon to everyone. I guess I will -- I guess hit some of the same issues that were brought up. First thing, I want to -- I'm referring to the ENS, the erosion, the grading plan -- erosion sediment control plan C-4.0, and I just had one -- a couple questions about

that. The construction sequence talks about clear and grub areas to limits prescribed on the plans. And then when I look at the plans, it says, no mass grading proposed as part of this project within array limits. So my question is, what areas are you planning to clear and grub?

MR. KOCHIS: This is Steve Kochis with VHB. I would say the only areas proposed to be cleared and grubbed are the small areas listed on sheet C-2.0 where we're proposing minor tree clearing. I think that there are three separate areas, one in the very north, one in the east near the inverted pad as the project is currently, and one in the northeast side. And to clarify, there is no mass grading proposed anywhere on the project. The only really significant earthwork would be for the construction of the contemporary sediment basin.

MR. GOLEMBIEWSKI: Okay, great. My questions then, also, is so there is a gravel access road that is proposed, I guess from west to east or east to west, I didn't see any cross-section general spec for that.

Is there one somewhere in the plans? I don't know unless I just missed it.

MR. PARSONS: This is Brad Parsons. That is correct. Looking at the plans here, it does not look like we have that detail on here. Usually it's between, you know, 6 to 10 inches of gravel base. In this case it will be on existing -- match existing grade at the top of that so existing stormwater can flow over top of the road and continue to the south on the site.

MR. GOLEMBIEWSKI: So it would be graded to drain to the south?

MR. PARSONS: Yes, it would be -- this is Brad Parsons. It's really not graded, it just matches existing grades. So the top of the road would match the existing grade on site, so it continues to drain as it does today.

MR. GOLEMBIEWSKI: Okay. All right. So it would not direct runoff from -- from east to west toward River Street?

MR. PARSONS: This is Brad Parsons. That is correct.

MR. GOLEMBIEWSKI: Okay. All right. I

had some basic questions on the plan. The limit of work is depicted and that is also the installation of the ENS controls whether it is silt fence or wattles; is that correct?

MR. KOCHIS: Yeah, this is Steve Kochis. That's correct. We're generally going to be installing perimeter controls along the limit of the disturbance line.

MR. GOLEMBIEWSKI: Okay. And then the temporary sediment trap will be excavated out, and I see a cross-section on, let's see, what page is that, C-5.0? I see a sediment trap on the left bottom side of that sheet, is that the specification for that sediment trap? And my question is, I'm guessing that the berm of modified rip rap would be on the south side of the sediment trap?

MR. KOCHIS: This is Steve Kochis. That's correct. The sediment track, TST detail, would be the governing detail for that to temporary sediment basin and the rip rap spillway containing the conduct modified rip rap would be installed on the south end

of that basin, like, what's called out as the 20-foot wide rip rap spillway.

MR. GOLEMBIEWSKI: Okay. So that is only showing a cross-section through that spillway section, that 20 foot wide spillway.

MR. KOCHIS: This is Steve Kochis. That's correct.

MR. GOLEMBIEWSKI: So then as you go around the southern end of it, that would transition to earth an earthen berm otherwise?

MR. KOCHIS: This is Steve Kochis. That's correct.

MR. GOLEMBIEWSKI: Okay. So you would have a 20 foot section that looks like that, and then you would have matching earthen berm around at least, I mean, at least the southern and whatever, as far up as you needed to go on the east and the west side of the sediment trap of earthen material that's probably right from the excavation, yes?

MR. KOCHIS: This is Steve Kochis. Yes, that's correct. And the anticipation would

be that a portion of the excavation material would be used to construct the berm along the southern and eastern edges as needed.

MR. GOLEMBIEWSKI: Okay. And then as I look at the note on that sediment trap, it talks about erosion control blanket. It says side slopes of the embankment shall be stabilized. So are you proposing ENS control blankets around the perimeter of the sediment trap or just in the area where it will spill -- it's designed to spill out of.

MR. KOCHIS: This is Steve Kochis. The intent is that the entire inside of the sediment trap will be fitted with temporary erosion control blankets to protect the newly created side slopes from erosion.

MR. GOLEMBIEWSKI: Okay, all right. Not the bottom? Just the -- just the -- what is it about one and a half foot, is that what you said previously, two foot high or one and a half foot slopes?

MR. KOCHIS: Steve Kochis. Yep, the average cut is somewhere around 2 feet and it's proposed that 3 to 1 slope. So that slope would be about, on average around the

perimeter of the basin, about 2 feet deep and about 6 foot in horizontal length.

MR. GOLEMBIEWSKI: Okay. And I guess I'm wondering why the rip rap spillway is pointed right at the intermittent watercourse; is that because of grades?

MR. KOCHIS: This is Steve Kochis. The rip rap spillway is pointed at the intermittent watercourse to maintain existing drainage patterns. That whole western portion of the array as indicated in the stormwater report generally drains north to south and ultimately in the delineated intermittent watercourse. A goal in any drainage report is to maintain existing drainage patterns, and that is why the spillway is pointed straight at it. Furthermore, the contention of CTDEEP and myself, as the designer, is that the water leaving a temporary sediment trap, if designed correctly, will be clean. So we do fully anticipate that this trap could discharge during high storm events, but it will be protected from generating sediment loss.

MR. GOLEMBIEWSKI: Do you -- do you -- have you inspected sediment traps during construction in your -- in your job duties?

MR. KOCHIS: This is Steve Kochis. Yes, I've been the lead inspector on multiple solar construction sites and have witnessed varying periods of construction of many stormwater basins and sediment traps.

MR. GOLEMBIEWSKI: So my experience is that sediment traps are filled with sediment and generally there's a high likelihood that they will discharge some type of turbid runoff especially in larger storms. So my question to you is, because this is a temporary feature and you don't need to really worry about long-term drainage patterns, wouldn't it be better to have a longer run of, I guess, vegetative or undisturbed area between the discharge point and the sediment trap and the watercourse?

MR. KOCHIS: This is Steve Kochis. I would say to that, that if it's at the discretion of CTDEEP, that we could introduce the -- introduce the use of baffles in this temporary sediment trap to

lengthen the flow length as the water primarily comes in from the north side and discharges to the south, depending on the final shape of this basin, which it will be, you know, relooked at part of the whole application.

MR. GOLEMBIEWSKI: Okay. All right. That's a fair answer. Okay. And then I had a question on, I'm assuming the sediment trap. So you will have a stockpile area somewhere with the -- I forget what the number was, but it was a pretty significant cubic yardage of -- of excess material plus your -- I'm assuming you'll have a stockpile area identified and appropriately ringed with ENS controls. I'm assuming it might just be right to the right of it or to the east of it or something like that?

MR. KOCHIS: This is Steve Kochis. I think -- yeah, you're correct in that assumption. And I think the final location of the stockpile is really going to be at the discretion of the contractor who builds the project. But I think the petitioner would -- would agree that it would be ringed

with silt fence and erosion controls as needed to meet the intents of the CTC stormwater general department.

MR. GOLEMBIEWSKI: Okay. And then I had a question, it was based on an earlier question. Since it's outside of the fence, is the fence going to be sequentially installed after the sediment trap is basically in essence discontinued and filled back in or is this beforehand?

MR. PARSONS: This is Brad Parsons. The fence will likely be installed or, I should say, will be installed prior to sediment trap being filled in.

MR. GOLEMBIEWSKI: Okay. So then it could only, at that point, be accessed from outside of the, if you want to call it the array area?

MR. PARSONS: This is Brad Parsons. Yes, that is correct.

MR. GOLEMBIEWSKI: Okay. I had also another question. In that the fence line -- between the fence line and the closest panels, is there a need for -- there is space, is that enough access area for -- is

there any reason that you would need to bring equipment after everything's completed around the arrays or no?

MR. PARSONS: This is Brad Parsons. Usually no. There is no need to really bring too much equipment in and around the arrays. There's actually about anywhere between 16 -- minimum anywhere between 16 and 20 feet and in some cases, you know, there is more space. The reason being for that is just easier and better to install the fence and more straighter lines than that, you know, a bunch of jobs where it might not be necessary as well.

MR. GOLEMBIEWSKI: Okay. Thank you for your patience on my asking these questions about the plan. I'm going to go next to the NDDB request. And as I look at the record, I did not see any response from DEEP, nor any BMPs to address. Because I know it's in a shaded -- NDDB shaded area, I guess I was wondering if there was any updates on that, as to if there's any necessary BMPs that need to be employed during construction?

MR. SHAMAS: This is Jeff Shamas with

VHB. We did receive a NDDB preliminary assessment and they did identify some plant and metabolic species. So we do plan to prepare the protection plans. We need to do some on-site surveys and determine, you know, what may be needed in protection plan and what may or may not be needed to satisfy Connecticut DEEP NDDB program.

MR. GOLEMBIEWSKI: So is that in the record or did I miss it?

MR. PARSONS: This is Brad Parsons. We received that letter after the initial submission of the petition.

MR. GOLEMBIEWSKI: Okay.

MR. SHAMAS: And just to follow up, this is Jeff Shamas. We just received it two weeks ago.

MR. GOLEMBIEWSKI: Okay. And, I mean, I understand I don't want to disclose, you know, I know NDDB sometimes doesn't want things disclosed. My question to you is, are there additional surveys that need to be done or are we talking simply recommended BMPs that can be included in a decision and order?

MR. SHAMAS: This is Jeff Shamas with VHB again. There are recommended surveys to be done.

MR. GOLEMBIEWSKI: Okay. Okay. Are those -- so what are the species -- can you tell me at least the species if they're endangered or threatened.

MR. SHAMAS: Special concern, there are threatened -- one threatened species. I can tell you the majority of habitat for that species is -- is off-site associated more with the -- with the stream that is not the intermittent stream that we have. So, you know, but there are surveys that would need to be done. So it's a combination of special concern and one threatened species that, again, I think the habitat exists just off-site not on the site.

MR. GOLEMBIEWSKI: Okay.

ATTORNEY HOFFMAN: Mr. Golembiewski, if I may, Lee Hoffman. To answer your question about how the Siting Council would order it at this stage of the game, two points, one, until we fully review the NDDB determinations we won't be able to get a

stormwater through the department as you are well aware, but secondly, what I think the Council could do if it were inclined to grant the petition is the Council could require, prior to construction, the final results of all NDDB consults be provided to Council as a condition of approval. So that we would provide the Council all of that information once it's finalized, so you'd have a chance to review it before construction began.

MR. GOLEMBIEWSKI: Okay. I guess my only concern, and it sounds like it's, if the threatened species is not likely to be within a limit of disturbance, then that works. But if there are, you know, species that are found that would either have to be relocated or project modified, that I think that would be little more problematic. But hopefully that's, I guess, not the situation. Okay. I appreciate that response.

The next issue I want to talk about is the visual -- visual study. And I -- my -- I guess I'm going to sort of mirror some of

the nicer opinions from previous council members as to actually calling this a study. And if I go to attachment J or appendix J, I see basically a cross-section that shows, I believe, the rear or the south part of a residential building and then I believe a 6-foot person, and then I believe the tree line, and then the proposed fence, and then a proposed solar array; is that correct?

MR. PARSONS: This is Brad Parsons. That is correct.

MR. GOLEMBIEWSKI: Okay. So there -- I'm missing any interpretation of that. So I am trying my best through questioning, what do you mean by this? What can you tell me about that cross-section?

MR. PARSONS: So this is -- this is Brad Parsons. I think the intent of this cross-section was to show the nearest residence to the facility, which is this specific one to the north and show its proximity and overall what that view kind of would look like from a cross-section standpoint, showing that, you know, there is existing vegetation there on the property

line that is remaining and that it is, you know, provided some visual buffer between that -- that residence and the proposed solar array. I think that going back to the rationale, maybe why we didn't we show anything on the western side it's not that we were looking to hide anything it's that yes, it can. I think we try to specifically say in the petition that there are views from the western side of River Street in towards the facility and that we were installing landscaping, you know, to screen those views. I think, you know, that view from over there, you know, obviously looks out and, you know, would look out towards the array and then as you get towards the end of the array, obviously, you've got that hill that kind of heads up over up to the Amazon and then the facility of Amazon sits out about 30 feet over the top of the array there. So again, we're installing landscaping as much as we could and I think we believed and said we would install more evergreen trees there to help the year-round view of the solar facility.

MR. FITZGERALD: Mr. Golembiewski, this is Bryan Fitzgerald. If you don't mind, to just add a little bit on to what Brad Parsons was saying, you know, from the western side, River Street, we do understand there's residences over there. And as Brad was describing, if you're putting yourself on River Street looking east, you're likely going to see the array. Obviously, the landscape plan is in -- and we proposed one and we are going to continue to refine that and hopefully the town and other parties in this petition will be happy with it at some point.

But the point Brad and I are trying to make is there's potential views of the array. There is also views of an Amazon facility that sits 30 feet higher and 90 feet tall and not only are there daytime use, but from his pre-filed testimony of James Cerkanowicz, there is nighttime use, something that this proposed project, this solar project would not necessarily have. All right, it's not a lit facility, there are no lights.

So we are agreeing and understanding that there would be potential views from the west and we're trying to find the best possible solution to deal with those. But this potential solar project is not the only thing that's been seen out there.

MR. GOLEMBIEWSKI: Okay. So, I guess, so what you're telling me is because there's such a bad thing to the northwest, you're -- we should just sort of -- this is like this impact would be minimal compared to the Amazon facility, is that what you're telling me.

MR. FITZGERALD: Yeah, this is Bryan Fitzgerald. Mr. Golembiewski, that's -- to put it precise, that's what I'm telling you as my personal opinion having been out there, having, you know, witnessed the photos at night, having seen the area at night, having seen what it is -- what the area is currently and what I know the proposed construction visuals of these projects to be.

MR. PARSONS: Mr. Golembiewski, this is Brad Parsons. I would just like to add one

other thing. I think, you know, we took the views of a previously submitted petition as well and some, maybe some feedback that we had gotten and that piece, that a wall of evergreens, I think it was referred to as, so that was one reason why we did not propose a wall of evergreens on this project as well. So it's trying to find that balance and maybe the balance is adding those evergreens behind the deciduous up and closer to the fence and bringing some of that deciduous and other plantings to the front to try and find that balance.

MR. GOLEMBIEWSKI: I get it. Nope, I understand. So help me a little bit with trying to better characterize or let me try to have a better understanding of what the residential units on the west side, at what elevation are they at versus the elevations across the arrays? So I know I have a nice cross-section for the northern area and that's good because it tells me that the house was, you know, I think 4 feet -- 4 feet higher or at least 2 feet higher than the fence, but how are we -- so when you

proposed plantings, you know, I noticed that the evergreen that you are proposing is Eastern Red Cedar and you're going to plant 6 foot tall and so those probably initially aren't going -- they're going to provide some buffer from 0 to 6 and then they grow maybe a foot to 2 feet a year or so, you know, eventually you'll get to the height of the panels. And then, you know, and then you get -- are the houses higher or lower because if they're lower, right, that's better or not, I think so. I think they're better, it's better -- could you just sort of give me -- are the houses and the arrays sort of on each side of the road at about even elevations? And then how do the plantings actually mitigate year-round views?

MR. PARSONS: This is Brad Parsons. So I would say that the houses on the other side of River Street are approximately the same elevation. They may be the same a foot or two above the existing topography on site at River Street there. Obviously, we did propose some evergreens through there,

again, trying to soften the views and the impacts. I think that, you know, taking additional feedback elsewhere that was something that folks were looking for and I think we look to apply -- try to apply the same general principle here. And I think maybe by providing some additional evergreens on the backside to provide some of that additional screening would help in the interim and for some of those year-round views from the ground level.

MR. GOLEMBIEWSKI: Okay.

MR. KLUCHMAN: Michael Kluchman, VHB, landscape architect. I just wanted to add on to a little bit of the conversation on the planing additions. So we would probably add in a -- another variety or two of evergreens so they're different heights, and I think it was a combo of a wall of evergreens. So it would be a more naturalized buffer seen from the street in addition. One thing to note as the plant material matures, one co benefit, you were talking about the existing view to the Amazon facility. We are not saying that

we're going to block out that view but will -- definitely as the trees grow, it will be a benefit for the neighbors across River Street. It will mitigate some of those views, Amazon, as the trees mature so there is a benefit coming out of this project just the primary goals to take care, screening the solar facility, but there is a benefit to the future as well.

MR. GOLEMBIEWSKI: Thank you, appreciate that. My last issue is, as I've read the record, I believed there was some change in the noise assessment. And I had to look up what an inverse square law was. But I wanted to just sort of get the final sort of summation of whether, you know, what the noise levels were. Whether they met, you know, the criteria and I know there was some suggestion, some type of post-construction noise survey. I just wanted to try to tie that altogether because I know there was some type of discrepancy through the record.

MR. PARSONS: Yeah, this is Brad Parsons. That is correct. There was a discrepancy for the western side where one

foot was used as the starting point instead of one meter, which caused that discrepancy. However, using the one meter that still falls in line with the DEEP guidelines. I think within -- in addition to the post construction, you know, noise study we also talked about, you know, performing a, you know, pre-construction noise study as well.

MR. GOLEMBIEWSKI: Okay. Are there local municipal noise regulations in this case or no?

MR. CERKANOWICZ: This is James Cerkanowicz. If there are, I know that in the particular section of the petition we do address that. There are -- I just don't recall off the top of my head. I can certainly call up the petitioner.

MR. GOLEMBIEWSKI: I just didn't know if there was a more conservative number then the -- that the town uses versus the state --

MR. CERKANOWICZ: Yes, I'm sorry, this is James Cerkanowicz again. Page 16 of the petition narrative does indicate that the -- indicate that the Town of Windsor's noise

ordinance and what the levels are. So that is what we based our noise analysis on is compliance with that.

MR. GOLEMBIEWSKI: Okay. Great. Mr. Morissette, that's all I have. It's probably -- I'm exhausted from just asking it.

MR. MORISSETTE: Thank you, Mr. Golembiewski. We are now going to take a break. We will reconvene at ten after four. So we'll see everybody at ten after four and we will continue with cross-examination by Mr. Carter, and then myself. Thank you everyone. See you then.

(Recess taken from 3:56 p.m. to 4:10 p.m.)

MR. MORISSETTE: Thank you everyone. Welcome back. Is the court reporter with us?

THE REPORTER: Sorry, the court reporter is with you.

MR. MORISSETTE: Very good, thank you. All right, everybody we're back on the

record, and we will continue with cross-examination by Mr. Carter, followed by myself.

ATTORNEY HOFFMAN: Mr. Morissette?

MR. MORISSETTE: Yes, Attorney Hoffman.

ATTORNEY HOFFMAN: If we make -- there was a little bit of confusion about the correct noise calculations, the petition versus interrogatory responses. During the break we figured out exactly what the correct numbers that should be used are and where they are in the record. So I just thought for clarity sake Mr. Parsons could explain that.

MR. MORISSETTE: That would be great, thank you.

MR. PARSONS: Yeah, again, this is Mr. Parsons. This is Mr. Parsons. So that was the response to the town interrogatory number 25 where we did review the sound calculations and use the error by using one foot. And so at that one meter applying that inverse square law shows that the 85 dBA would be reduced to approximately 42 dBA after 455 feet, which is within both

the DEEP and town noise ordinance requirements.

MR. MORISSETTE: Very good, Thank you. Mr. Golembiewski are you happy with that response?

MR. GOLEMBIEWSKI: Yes, Mr. Morissette, I am. Thank you.

MR. MORISSETTE: Okay.

MR. GOLEMBIEWSKI: And I'm assuming that's daytime. I'm assuming that's a daytime number, correct?

MR. PARSONS: This is Brad Parsons. Yes, that is a daytime number because the system is not running at night.

MR. MORISSETTE: Very good, thank you. We will now continue with cross-examination by Chance Carter. Good afternoon, Mr. Carter.

MR. CARTER: Good afternoon, Mr. Morissette. Thank you. And also thank you to my fellow council members for their wonderful line of questions. It actually took a few off my list, so I shouldn't be too long. Thank you to the panel for your time in preparing all these materials for us

to review.

The first thing that I just wanted to get some additional clarification on is actually around the historic and archaeological resources portion of the petition. So I'm looking at page 20, section 6.8. I've looked through the phase 1A, Cultural Resources Assessment Survey and saw that one of the recommendations was to complete phase 1B. I did see in the petition as well that ya'll will be providing the results of phase 1B once they're concluded. I just wanted to get an understanding of the timeline on that.

MR. CERKANOWICZ: This is James Cerkanowicz. That phase 1B report investigation is currently underway and, I believe, it is anticipated to be completed and the results delivered, I believe, by the end of the month at the latest.

MR. CARTER: Thank you.

MR. CERKANOWICZ: So the results will certainly be provided.

MR. CARTER: Thank you. I look forward to seeing those when they are completed and

sent in. The next thing I have, and this is actually the last thing, so I'm really not going to take up too much time, is looking at appendix C on operations and maintenance documentation, looking in section 7 of that, the emergency response, I just wanted to give you all a technical note because on our copy I know that the table is done correctly, noting that it's the Town of Windsor but in the narrative it mentions the Town of Glastonbury. So just wanted to make sure that gets cleared up in the next round of documentation.

MR. CERKANOWICZ: This is James Cerkanowicz. Yes, we did receive a comment on that, I believe. I don't recall who the reviewer is who pointed out that clerical error, but we will correct that of course. It was a council director.

MR. CARTER: Perfect. And with that Mr. Morissette, those were my main things that I wanted to look at today. So I'll yield my time back.

MR. MORISSETTE: Thank you, Mr. Carter. Very good. I have a couple questions.

Thank you to the council members, for asking quite extensive questions this afternoon. It covered most of my questions. I'd like to start off with page 4 of the application which is section 1, paragraph 2, last sentence. I was a little confused by this sentence, but I hope you could clarify for me. It says energy produced by the project will be sold to Eversource at market rates specified in the applicable utility tariff with Eversource for self generating facilities.

Now, I understand that you are under a contract under the shared clean energy fund. And I was under the, maybe the incorrect assumption, that energy was purchased within that contract as a prescribed rate. Could you kindly clarify that for me?

MR. FITZGERALD: Absolutely, Mr. Morissette, this is Bryan Fitzgerald. You are correct. The project does have a contract to sell electricity in RECs to Eversource under the SCEF program, Shared Clean Energy Facilities, at a predetermined fixed rate. And that sentence at the bottom

of paragraph 2 should not apply here to this specific project.

MR. MORISSETTE: Okay. Very good, thank you. Okay, just for the record, I too am concerned about the clearing at the north end of the site associated with the residential or condo properties. Anything that you could do to increase the buffer and keeping those tree -- that treeline intact, I think, would be beneficial for this project. So I support that effort.

The last thing I wanted to talk about is the interconnection. I know you're surprised at this. But thank you for listening to the town and moving the three poles to the south away from the open area in the access road. I think the town's comment was a good one and I appreciate what you've done. What I'd like to do is, I'd like to use figure 5 and photo 1. If we could just get those two things out, and will start with photo 1. Let me know when you're there.

MR. CERKANOWICZ: This is James Cerkanowicz. Could you clarify, is

photo -- are you referring to photo 1 from my pre-filed testimony or from another source?

MR. MORISSETTE: That's from the interrogatories in the photo log.

MR. CERKANOWICZ: Okay.

MR. MORISSETTE: Sorry.

MR. PARSONS: Yes, all set, Mr. Morissette.

MR. MORISSETTE: Okay. So if I look at photo 1, the brush that's in the foreground, that's the brush that you were talking to Mr. Mercier about that's probably going to be cleared to allow for plantings; is that correct.

MR. PARSONS: Yes, that is correct. This is Brad Parsons.

MR. MORISSETTE: Great, thank you Brad. So in the background you have a row of very tall trees that goes from this point, I believe, all the way to the corner of River Street; is that correct?

MR. PARSONS: This is Brad Parsons. It doesn't quite stay complete all the way to River Street. Where the proposed utility

poles are coming in to the site is an area where there are no trees currently.

MR. MORISSETTE: Okay. Okay, so if I go figure 5, you can see the trees that are very likely along the -- along the road and, as you said, it ends at the three distribution poles so --

MR. PARSONS: Yeah, this is Brad Parsons. I think to further clarify that as well, you can see the shading of those trees in that aerial, too, so kind of see the shading of those trees stops as well.

MR. MORISSETTE: So you selected the positioning of those three poles to be to utilized the screening from the trees along the street, correct.

MR. CERKANOWICZ: This is James Cerkanowicz. That's correct.

MR. MORISSETTE: Okay. And if I go further south after the poles, there are -- there is a stand of trees to the east. So you have further visual mitigation to the poles in that area.

MR. PARSONS: This is Brad Parsons.

Yes, that -- that is correct. And I'll also say that they are south of any of the residences on River Street as well, kind of evident by the corner of the last residence just to the north of that -- those poles as well in the side of the area.

MR. MORISSETTE: Good. That's good to know, I didn't pick up on that, thank you. So the River Street residents are shielded from the poles on both sides of River Street. Okay, good.

So the line of trees that go from the poles, not short of the driveway, and then it's -- that's where the landscaping will go and then the trees will continue further north at -- and it doesn't appear to go too -- too far south from the corner of the site. So that's the area that really is needed for further -- for the screening?

MR. PARSONS: This is Brad Parsons. Correct. And I think if you look at this photo too and where you can see the shading of the trees on the roadway, I think there was a question before previously about, you know, while we were stopping -- where we

were stopping and going in a little, you'd see that those kind of fairly closely line up to where that -- those mature trees and vegetation is, and how we're kind of cleaning up some of the scraggly type vegetation on that side as well.

MR. MORISSETTE: Actually the landscape plan shows that quite well as to where the -- where the existing treeline is and where your plantings will be planted to the screen areas where the tree line doesn't continue. And we discussed earlier that to the north there is a possibility for increasing the tree line, the vegetation plantings further to the south kind of line up with the existing trees.

MR. PARSONS: This is Brad Parsons. That's correct. I think the other thing I would probably add here, in addition to that, some, I think, some of those additional trees that we talked about as well, with the review of shifting the facility to the south as possible, you know, those trees could wrap around -- if we're able to make that room wrap around the north

side and probably maybe halfway through where that fence is to fill in the gap where maybe you have a little less with existing vegetation on the northwestern corner of the site as well.

MR. MORISSETTE: Okay, very good. Very good, thank you. Just one final question, and I'm sorry to bring this up again, but I'm confused about the motors. Now, we are looking at the C-4.0 and if I understood correctly that south of the access road, those dashed lines are where the motors would go?

MR. PARSONS: No. So I think what I was trying to explain is because it is somewhat maybe more difficult to see at times on the north side, there's two separate, what I'll call tracker blocks, for lack of a better term. So there is on the north side of the access road, there is one block of trackers and then there's another block just to the north that -- so there's two rows of motors on the north side of the access road and then on the southern side of the access road, each of those blocks is one block. So

there is one motor associated with each of the blocks as well.

MR. MORISSETTE: Okay.

MR. PARSONS: I was just trying to draw representation to that and, you know, not to think that there's just one set of motors on the north side. There's two sets because there's blocks of array.

MR. MORISSETTE: Okay. So is that the -- sorry about this but is that, the dash in the middle, is where the motors are?

MR. PARSONS: That's correct. That small -- if you were to zoom in on a PDF, that small dash that you see in the middle is where the motors are and it basically connects the north block to the south block. And the gap is probably about two feet in width overall and the motors sits inside that gap with the torque tube extending north and south out of that motor?

MR. MORISSETTE: Okay. Got it now, thank you. I didn't think I had it right and I didn't. Thank you. Okay. All right, we are going to ask -- I'm going to ask for a couple of late files. Considering there

is concern about the visibility to the west, I would like to see a late file addressing what the visibility would look like from across the road and a few locations where there's trees and where there's not trees, so we can get a clear understanding of what the visibility would be. And the second item is -- is the NDDB letter from DEEP. I'd like to get that onto the record as well. And I think that does it. That does it for me.

So I'm going to quickly go through the Siting Council to ask to see if they have any follow-up questions before we move on. Mr. Mercer, any follow-up questions?

MR. MERCIER: I have no questions, thank you.

MR. MORISSETTE: Thank you.

Mr. Silvestri, any follow-up questions?

MR. SILVESTRI: Thank you, Mr. Morissette. I think the answer to this question will help me immensely and it goes back to the tracker motors. Approximately how many tracker motors are planned for this project?

MR. PARSONS: This is Brad Parsons. Bear with me one second, Mr. Silvestri.

MR. SILVESTRI: No -- no problem. It might be in the interrogatories but with all the questions going back and forth this could really, really help.

MR. PARSONS: I believe it is so let me -- we'll find it.

MR. CERKANOWICZ: Yes, this is James Cerkanowicz. I can confirm that there is -- there was an interrogatory and we did answer --

MR. PARSONS: It's Brad Parsons. I have it, sir. It's interrogatory 29 in response to councils. There's approximately 106 tracker motors on site.

MR. SILVESTRI: All right. That makes sense, then, okay, thank you very much. Thank you, Mr. Morissette.

MR. MORISSETTE: Thank you, Mr. Silvestri. Mr. Nguyen, any follow-up?

MR. NGUYEN: Thank you, Mr. Morissette. Yeah, I just want to go back to those poles. Are there any property to the west side of those poles?

MR. PARSONS: This is Brad Parsons. There's, I believe, there's one parcel on the west side of those existing -- the proposed utility poles and the area directly across the street is wooded.

MR. NGUYEN: And just to go back to -- to the extent that those poles are underground, again, those are feasible or they are not feasible, those poles to put underground for the connection to put underground?

MR. FITZGERALD: Yes, Mr. Nguyen, this is Bryan Fitzgerald. So those poles, if we were to -- I want to try to clarify this again. The two options typically presented and discussed, I think Mr. Morissette hit on it. Pole-top mounted, which is the current configuration and then pad mounted. So those are two feasible options as James Cerkanowicz alluded to earlier, the options presented with from Eversource, we selected the most feasible one that they gave us and the pad-mounted option, it's feasible. But it's not underground in a vault-style configuration. If it's pad

mounted it is still above-ground mounted on a concrete pad like a metering cabinet, for example, could be six, seven, eight feet tall and a certain number of feet long.

So there is still a structure that is above ground and at that location in replacing the poles, I think, also as James alluded to earlier, the pole-top configuration from Eversource's point of view is more serviceable from a serviceability perspective, which is why it's often selected.

MR. NGUYEN: Thank you very much. That's all have, Mr. Morissette.

MR. MORISSETTE: Thank you Mr. Nguyen. Mr. Golembiewski, any follow-up questions?

MR. GOLEMBIEWSKI: No follow-up, thank you.

MR. MORISSETTE: Thank you. Mr. Carter, any follow-up questions?

MR. CARTER: No follow-up, thank you.

MR. MORISSETTE: Mr. Carter, this may be an opportunity for you to ask for a late file considering we're not going to close the hearing today. That you are interested

in the 1B analysis and that would probably -- the phase 1B would be available for our next hearing. So this is an opportunity to have that submitted for cross-examination on the next time we meet.

MR. CARTER: Excuse me. That is a good point. I definitely would like to have 1B included in the late file for the next hearing related to this docket.

MR. MORISSETTE: Very good. Thank you, Mr. Carter.

MR. CARTER: Thank you.

MR. MORISSETTE: And I have no further questions. So we have three late files. One is the view from the west across River Street, the viewshed analysis. And second, is the NDDB letter. And the third is the phase 1B. Okay, with that we will now continue with cross-examination of the petitioner by the Town of Windsor. Attorney DeCrescenzo.

ATTORNEY DECRESCENZO: Good afternoon, Mr. Morissette.

MR. MORISSETTE: Good afternoon. How are you?

ATTORNEY DECRESCENZO: Very good. With me this afternoon is Attorney Stefan Sjoberg, an associate with our firm. And he will be conducting the cross-examination on behalf of Town of Windsor.

MR. MORISSETTE: Thank you. Good Afternoon, Mr. Sjoberg.

MR. SJOBERG: Good afternoon, Mr. Morissette.

MR. MORISSETTE: Please continue.

MR. SJOBERG: Thank you. Good afternoon, members of the panel, and members of the Council. As Mr. DeCrescenzo had mentioned, I am an associate of Updike, Kelley & Spellacy representing the Town of Windsor.

I'd like to start off with some questions regarding screening, specifically, on the River Street frontage. What is the distance of the frontage of the project along River Street?

MR. PARSONS: This is Brad Parsons. Just to clarify that question, do you want the whole distance of the frontage of the

facility from the south corner of the fence to the north corner or just the length of the proposed landscaping as it is today?

MR. SJOBERG: Yeah, I believe just the length of limits of disturbance.

MR. PARSONS: Bear with us one second.

MR. SJOBERG: Yep, not a problem.

MR. KOCHIS: This is Steve Kochis. The total frontage along the fence is approximately 960 feet along River Street and the -- as currently proposed, the length of the screening along the frontage of River Street is approximately 620 feet.

MR. SJOBERG: Perfect, thank you. Can someone describe the current condition along that stretch of the road in terms of view into the site?

MR. PARSONS: This is Brad Parsons. I would say, you know, as you are on the southern portion of the site on the road, you have that existing tree line and some screening there. Obviously that opens up. There's a short AG fence, there is some, you know, intermittent vegetation in between there followed by the farm field behind it,

which is historically farmed for tobacco. And then as you move further to the north, you again, got some intermittent vegetation on the southern portion of the northern vegetation and then it kind of fills out as you move a little bit further north as well. On the other side of River Street, obviously, you have the existing residences there but in between those residences and us is some existing landscaping in there -- basically islands there -- driveways or streets are semicircular in nature and then existing vegetation in those islands as well.

MR. SJOBERG: Thank you. Could someone also describe the proposed screening along this frontage of River Street?

MR. KLUCHMAN: Michael Kluchman, VHB. So the proposed screening on the plan here is a mix of native evergreen and deciduous trees, both shade trees, understory -- trees and then some large shrubs, Red Chokeberries, and the King and Service Berry. And as we discussed earlier we would supplement what is shown here with

additional evergreen material, different heights and types, two more evergreens perhaps White -- Native White Spruce, White Pine, and some more native plant material to increase the density of this buffer and also provide more winter screening with the additional evergreens, but the character would be that of a naturalized native planting screen.

MR. SJOBERG: Thank you. And will these plantings be planted on grade?

MR. KLUCHMAN: Again, Michael Kluchman. So the plantings will be planted, yes, at the existing grade which is fairly flat across the frontage there. And so the answer is yes.

MR. SJOBERG: And I know you had mentioned a variety of different species but I guess maybe in an average sense, what -- how tall would these evergreens, these plantings be when they're first planted and maybe perhaps a range of the heights.

MR. KLUCHMAN: Yeah, so right now the one evergreen we have on the plan, Eastern Red Cedar is about 6 feet high. So we can

have the national evergreens that could be 6 to 8 feet would be another category. Usually, you know, evergreen material will come in a range like that, where you'll specify it, 6 to 8, 8 to 10, you know, that's how it goes. But my guess is that 5 to 6 and 6 to 8 would be a good place to start. They do, you know, I think it was mentioned before one of the councillors mentioned and he was correct that expect a foot depending on the species, foot to a foot and half, two feet of growth a year.

MR. SJOBERG: And initially when these plantings are first planted, is it fair to say that you would be able to see through them prior to them growing and expanding for viewing of the site?

MR. KLUCHMAN: Yeah, I think it wouldn't be a solid wall where you would not -- you'd be able to see through them. Over time it will fill in, but you may get glimpses of the solar arrays, again, depending also on how close you are to the plantings, of course. But I assume we are talking about the views from across the street.

MR. SJOBERG: Yes, that's correct. And at maturity what would be the height and the width of these plantings or perhaps maybe a range is more appropriate providing the variety of species?

MR. KLUCHMAN: If we're talking about the evergreens in particular the specified Eastern Red Cedar, you know, we could expect at maturity realistically 30 to 40 feet high it could be 20 feet across that's sort of maximum for that. The other it depends on what we select, but we could easily have Native White Spruce that could get up to 60 feet -- 60, you know, 80 is ambitious but, you know, that would be a lot of years from now but I believe 60 feet, 40 feet across, you know, that's what that would max out at. And then again depending on what we select Eastern White Pine could eventually, if you are familiar with Eastern White Pine, could get up to 100 feet but that would be years from now and we would be cautious about those they do -- when you put them in they grow very fast and you get a very instant screen. What happens over time with

those, is they grow up and they lose their little branches, so we would pair those with something that would come in underneath and screen with them. So we would just be very careful where we planted those.

MR. SJOBERG: And early on in their infancy, if there's any issue with roots and vegetation? Is there any management plan to address any issues that arise early on in the plantings?

MR. PARSONS: This is Brad Parsons. I think, you know, any of the plantings that are, you know, having issues, you know, during their life, you know, would be -- would be replaced and obviously maintained, you know, watering in that first year is a critical piece of that and then obviously anything, you know, usually is warranted for a year purpose right after the installation.

MR. SJOBERG: And in the event that we have a, you know, a winter storm that rolls through and some of these are knocked down or perhaps it's a windstorm, will they be replanted as well?

MR. PARSONS: This is Brad Parsons. I

think, you know, the point of the vegetation being there is, in my opinion, is part of the petition, and the docket, and part of what is required by the project. So I think the answer to that would be, yes, that those would be replaced, you know, at that time should that happen however, you know, is to replace the tree that is, you know, probably the same size as we're planting, you know, at the initial time frame.

MR. SJOBERG: Understood. And I believe I heard testimony earlier that there won't be any kind of berm and it would just be planting on grades; is that correct?

MR. PARSONS: This is Brad Parsons. That's correct.

MR. SJOBERG: Would the petitioner be willing to construct a partial berm along portions of the River Street project?

MR. PARSONS: This is Brad Parsons. I think this is something, you know, as part of our feasibility analysis that we can look at. However, the issue of installing a berm is just the amount of fill material that needs to be trucked in and brought the site,

you know, I think if there were a case where you had to do a permanent stormwater basin on-site and we were generating excavation then that would be the perfect opportunity. But the trucking in material is fairly significant here, and I believe we calculated that in one of the responses to interrogatories, and what that would entail.

MR. SJOBERG: Right. But I believe that response to the interrogatory, I think, it was 1,000 trucks, roughly, for the soil delivery. I don't know if I remember that correctly.

MR. PARSONS: This is Brad Parsons. That sounds correct.

MR. SJOBERG: Okay, thank you. How far from the road will these initial plantings be as far as the setback from the road itself?

MR. PARSONS: This is Brad Parsons. Just bear with us.

MR. SJOBERG: No problem.

MR. KLUCHMAN: Michael Kluchman, VHB. I'm getting somewhere from the center of where these trees are planted so of course

they would be -- as they grow -- get closer somewhere in the neighborhood of 40 feet set back from the road edge here on the plan, somewhere in the neighborhood 35, 40 feet.

MR. PARSONS: This is Brad Parsons. Obviously we looked at more evergreens in the area, you know, we may get some that become closer to the road than that 40 feet.

MR. SJOBERG: Thank you. Is there any elevation change from River Street down to the site?

MR. PARSONS: This is Brad Parsons. There is a slight elevation change as you enter into the site it kind of dips down slightly and then kind of comes back up. I mean, it's probably not really noticeable to the naked eye. When you're standing out there the whole site is fairly flat.

MR. SJOBERG: Thank you. And could someone please describe the current condition along the north and northeastern portion of the project site specifically as it pertains to the existing screening that is there?

MR. PARSONS: This is Brad Parsons. I

believe the best place to see that is on figure 5. Or one of the places to see that is figure 5 in the aerial that northern western corner is -- initially has evergreen vegetation along the -- along the site property line and then it switches over to a little bit more of a deciduous mixed vegetation there as well. And I would say the more northwesterly corner is a overall thinner width on the vegetation and it widens out as you move east into the site.

MR. SJOBERG: So in regards to the existing vegetation that is there in the northeastern corner, you had mentioned that there were some evergreens that are currently there.

Is that portion potentially subject to tree clearing in conjunction with the construction of the site?

MR. PARSONS: This is Brad Parsons. That area was not intended to be cleared. It was a little bit further down down the line. I might've said evergreens but it's probably more deciduous vegetation in that small little sliver. I would add, though,

if we are able to shift the facility to the south slightly based off our analysis, then we would obviously have no clearing in the area at all.

MR. SJOBERG: So just for clarification, can you roughly identify where potential tree clearing could occur on the project site? I'm looking at that figure 5 aerial, perhaps --

MR. PARSONS: Yeah, no, that's a perfect place to look at that. Again, this is Brad Parsons. If you look at that you'll see the red line on the figure 5, aerial. You'll see the northwest corner where it touches River Street and you'll follow that red line into the site easterly and it basically crosses the black line slightly. And right around the -- where that red line, you can see almost looked like it is between the black and the cyan dash line, that is where the minor tree clearing would occur, right in that vicinity. You see that one tree that's almost shaded on the -- you can see the branches into the -- almost touching the array on the northern side, it's that

tree that clump of vegetation right there.

MR. SJOBERG: So any other portions of the project site that would have potential of tree removal?

MR. PARSONS: If we were to work our way around -- continuing to work our way around the site the next location of tree removal as you keep moving east and then follow the black and dashed line heading south, you'll see that kind of open corner just north of the utility pad. That area right there, you can see the vegetation inside the cyan dash line. That is an area of a small area of clearing. Continue to follow that dashed line around and when it takes the next turn to the east there is another small area of clearing their as well.

MR. SJOBERG: Can the project be constructed or modified without the need for any tree removal at all?

MR. PARSONS: This is Brad Parsons. I think with our proposed analysis and review that is something that we can take into account.

MR. FITZGERALD: Mr. Sjoberg, this is

Bryan Fitzgerald. I'd just like to add on that point the --

MR. SJOBERG: I believe we may have lost them.

MR. MORISSETTE: Yes, I think we have. We'll give them a minute.

MR. PARSONS: Can you hear us?

MR. MORISSETTE: There we go.

MR. PARSONS: Sorry about that. Hold on. Let me see if I can turn up my volume. I apologize, we had a technical issue in the conference room where everything just shut down.

MR. SJOBERG: Well, we're glad you're back. So thanks for joining back. So, yeah, I think the question was, is there any way that the project can be structured or modified to eliminate the need for any tree clearing at all?

MR. FITZGERALD: And Mr. Sjoberg, you heard Brad Parsons's response; is that correct?

MR. SJOBERG: It cut out in the middle of it.

MR. FITZGERALD: Okay.

MR. SJOBERG: If you could repeat it that would be good.

MR. FITZGERALD: And again, this is Bryan Fitzgerald. Brad Parsons was going back to the point that was made earlier in the hearing where we are working through that process right now trying to understand and check the feasibility on a shift of the entire array area to the south that would create more buffer to the north. And I think to answer that question directly, it could create a situation where no tree removal, trimming, or clearing would be needed at all. But again that's going to be part of the feasibility study.

So the point I was going to add in is that we have obviously a SCEF contract here to sell electricity to Eversource. Our annual estimate is about 5,531,000 kilowatt hours per year. Our goal in developing the project is going to be --

(Mr. Fitzgerald experienced audio issues)

MR. FITZGERALD: Sorry about that. Sorry. Again we have that 5,513,000 kilowatt hour a year production target that we are going to try to maintain that has a direct translation into SCEF participation subscriber benefit. Subscribers of the SCEF program receive two and a half cents a kilowatt hour against that 5,513,000 kilowatt hour productions so that equates to $137,000 a year benefit to those subscribers that we are going to try to maintain across the project here.

MR. SJOBERG: Thank you. I do want to touch on the SCEF contract, but I have one more question, and I think it might be best to look at that figure 5 again, specifically, to the northern line that abuts the Eastwood Circle properties. As currently constructed, you had mentioned that there -- one tree that they're some branches that overhang that may need to be trimmed or cleared. If this current proposal moves forward can you describe any additional screening or proposed screening that would go in along that side to provide

additional view mitigation for the residents in the area.

MR. PARSONS: So this is Brad Parsons. I think we can continue to look at that. In its current form, you know, there is probably a little bit of space that we can continue to add some additional vegetation in there. I would say I'm highly confident that we will, at a minimum, be able to probably slide, you know, 20 to 30 feet to the south if not more and even if just getting that will, you know, allow for some additional vegetation to be installed.

MR. SJOBERG: Excellent, thank you. So my next line of questioning regards the SCEF contract. Specifically, I want to address your response to Council's interrogatory number 25 in which the petitioner stated that it believes that the design that is currently presented meets the requirements under the SCEF contract. And I imagine that this will be a part of your feasibility study that is currently ongoing, but could alternative design layouts also meet these requirements under the SCEF contract?

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. To kind of go back to that point on the feasibility here again, the goal is going to be to try and increase those buffers to the north while building the same size. For example, 3 megawatt size system so that we can stay in direct compliance with our SCEF contract. I would add to that point per the SCEF program requirement, you cannot build any larger than your awarded contract. So in this situation we'd never be able to build anything larger than 3.0 megawatts.

MR. SJOBERG: This may be more directed towards the landowner, but is there any flexibility with the limits of disturbance for this project as far as modifications are concerned?

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. That is part of the feasibility, and that's something we're actively working on. We will address with the landowner through a lease area modification or a, you know, limit of disturbance modification, again, we are

trying to maintain a certain number of acres that can be, you know, used in traditional agriculture methods to support the growth of hay that again support livestock on the property.

MR. SJOBERG: Thank you. Could -- I guess one consideration that I would request during this feasibility study, is it possible to replace some of the solar panels that are to the northern portion of the property and actually place them on the roof of the barn? I recognize that the barn is currently outside the limits of disturbance but to the extent that is a possibility, would that be something that the petitioner would consider?

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. It's not necessarily feasible to think about that for a number of reasons. Potential structural capacity of that barn, potential, you know, historic components to it, the ongoing uses of that barn, the barns are outside of our current lease area and are intended to maintain -- intended to continue that way just so that

they can be used for the current uses that they're under plus mixing up system sizes like that it's -- we'd find a more efficient way to move some panels from north to other areas on the ground.

MR. SJOBERG: Understood, thank you. And this feasibility study that's still ongoing that you are reviewing and analyzing, the potential of moving some of the arrays around, is there a -- and I might've missed it, so I apologize, is there a projected timeline that you gave for that proposal?

MR. PARSONS: This is Brad Parsons. I don't believe we gave a timeline for that proposal. However, I believe Mr. Morissette mentioned that this area is likely to be continued. I think our intent would be to try to get that completed prior to that continued hearing and submitted for review by all parties.

MR. SJOBERG: Thank you. I guess in conjunction with this feasibility study, I want to bring your attention to the Loomis Solar Project, which is in Windsor in which

case they're able to maintain minimal setbacks at 75 feet from adjoining properties. I'm wondering if that is feasible that perhaps you can explore during your feasibility study.

MR. PARSONS: This is Brad Parsons. It's something we can take a look at as we are looking at the review.

MR. SJOBERG: Thank you. And just for clarification, this proposed project is zoned in the agricultural zone in the Town of Windsor; is that correct?

MR. FITZGERALD: This is Bryan Fitzgerald. That is correct.

MR. SJOBERG: And while outside of the authority of the Town of Windsor's Zoning Commission, it -- would this solar facility be permitted as a permitted use as an agricultural zone in the Town of Windsor?

ATTORNEY HOFFMAN: Objection. Calls for a legal conclusion. And is a hypothetical that's beyond the scope of this proceeding.

MR. SJOBERG: I'll move on. I want to go back to a line of questioning that Mr. Silvestri had raised specifically in

regards to James Cerkanowicz's pre-filed testimony to which several photographs were taken depicting the Amazon Fulfillment Center, and I just wanted to clarify as to the purpose of that submission. If you could just reiterate that and clarify that a little further.

MR. CERKANOWICZ: Sure. This is James Cerkanowicz. I think the intent was to show, comparatively speaking, visibility of other things in the area that now, obviously, there is concern about the visual nature of the solar panels and their height, and I think by comparison the photographs show that at night when there will, you know, we have a facility that does not have any lighting and at night, I think, that the visual impact of the Amazon facility that is quite tall, I think it was 90 feet and is elevated and very highly illuminated. It certainly draws the attention of your eye, I believe much more so than would solar panels that are 9 feet high and mounted to the ground and are not illuminated in any fashion.

MR. SJOBERG: And can somebody from the petitioner's team clarify, if known, what zoning district the Amazon facility is located in?

MR. FITZGERALD: This is Bryan Fitzgerald. I believe the zoning district for that specific parcel would be industrial and like industrial.

MR. SJOBERG: Yes, that's correct. Thank you. And just for clarification purposes the Amazon Fulfillment Center did not go through the review process of the Connecticut Siting Council, correct?

ATTORNEY HOFFMAN: Objection. There's no way the witnesses can know that.

MR. SJOBERG: Understood. Is the proposed solar project subject to the zoning regulations of the Town of Windsor?

ATTORNEY HOFFMAN: I'm also going to object to that because you're asking for legal conclusions.

MR. SJOBERG: Understood. I'll move on to my decommissioning questions.

Would the petitioner consider adding the Town of Windsor as an additional party on

the decommissioning bonds that they currently have with the landowner?

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. And I believe that's out of our purview as we are not the landowner here at this point in time and wouldn't be able to make that decision specifically.

MR. SJOBERG: So with that in mind, what financial assurances can the petitioner provide the town to support decommissioning and removal of the proposed project at the end of the lease term?

MR. FITZGERALD: This is Bryan Fitzgerald. And the petitioner is providing those financial assurances through its legal obligation to the landowner in the lease contract.

MR. SJOBERG: And for clarification, the town is not a party that contract?

MR. FITZGERALD: That's correct.

MR. SJOBERG: In the conjunction with the decommissioning of the project, what environmental testing will the petitioner conduct during that time?

MR. FITZGERALD: Mr. Sjoberg, this is

Bryan Fitzgerald. The current scope of the decommissioning revolves -- excuse me, the scope of decommissioning of the proposed project focuses on the complete and entire removal of the project panels, racking, inverters, conduits, wires, cables, et cetera, so that the parcel is -- the land is returned to the landowner in its previous state minus wear and tear. Obviously, no way to turn back the clock on time, and that's the scope of the decommissioning.

MR. SJOBERG: So would the petitioner be open to exploring environmental testing measures during the decommissioning to measure the impact of the removal on the parcel?

MR. FITZGERALD: This is Bryan Fitzgerald. And I guess we would, so long as, there was a baseline of initial testing. It's my understanding, currently, that that parcel has been in agricultural use for decades and decades and, you know, if the proposed project were to move forward while there'd be no continued use of any fertilizers or pesticides or any substances

like that. We would want to have a baseline to compare it against so that nothing was wrongly accused of creating any potential environmental hazards.

MR. SJOBERG: And thank you for that --

MR. PARSONS: This is Brad Parsons. I'd just like to add that, you know, obviously we provided a template, you know, for this project. Everything is in compliance with federal EPA regulations so, you know, there's no contamination expected as a result of this project.

MR. SJOBERG: Thank you. I think the main concern, and I think it was just touched on, was the future use of the site post decommissioning and I just want to make sure that there is some testing that could be occurring to allow future agriculture use. So perhaps as you had mentioned there could be a baseline test and then a test that's perhaps conducted at decommissioning.

I will move on to some questions pertaining to glare of the solar array. Just for clarification purposes, have there been any glare studies conducted to

determine whether the panels, in a fixed position, or a movable position, create any glare to the surroundings residential areas?

MR. PARSONS: This is Brad Parsons. Yes, it was provided as a response to the Town of Windsor's interrogatories.

MR. SJOBERG: Perfect, thank you. And I will move on now to questions pertaining to noise of the facility. Specifically -- all right, one moment please. So actually I do want to go back actually momentarily to the decommissioning line of questioning. Would the petitioner oppose the town being added to the decommissioning bonds? You had mentioned that it was outside of your control, but I'm wondering if that is a conversation that could be had with conjunction with the landowner.

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. Yes, that's a conversation that would have to be had between the landowner and the town, you know, our opinion on the matter, one way or another, wouldn't necessarily impact. We are not a decision-maker in that precise

situation.

MR. SJOBERG: Thank you. And I do want to get back also to the environmental testing in conjunction with the decommissioning plan. You had mentioned that it would probably be wise to have an initial baseline testing to compare the changes that may or may not have occurred. Is that something that the petitioner would be open to -- to do in conjunction with their proposal?

ATTORNEY HOFFMAN: Could you give me one minute, sir?

MR. SJOBERG: Absolutely.

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. Yes, of course the petitioner is open to it. And I believe as part of the Department of Agriculture's ruling on the proposed project, soil testing is a part of, you know, best management practices when it comes to grazing, you know, our grazing partner is involved with area universities and we are exploring different types of studies that can be done that explore impacts to the soil as you

transition a site like this that's, you know, traditionally grow crops to a pasture style habitat that is grazing sheep.

MR. SJOBERG: Thank you. So at this time I will move on to my noise questions. Specifically, I'm going to refer you to petitioner's response to town's interrogatories question number 22, in which the petitioner has stated that no noise study was specifically focused on this project. I believe there was noise study that was used from the East Windsor project. I'm wondering if you could provide some clarity as to why there was not a noise study as it relates specifically to the Windsor project?

MR. PARSONS: This is Brad Parsons. I think at the end of the day it came down to that we had a study done with the exact same inverters, it was actually more inverters. That study showed that there were no noise complications on that project and that it met the standards. And so we basically used the fact that that is louder and you -- and that is where the 85 came from. And so with

less inverters, together, it will be actually be less than 85, likely. But as mentioned earlier, I think we are more than willing to do a pre- and post-noise study here to show the site-specific characteristics.

MR. SJOBERG: Thank you for that. That's a good lead into my next question, specifically, to your response to town interrogatory number 25. This was mentioned earlier in the testimony as well. It refers to the error that was made in the decibel calculation. So when this error was discovered, was the petitioner reconsidering a formal noise study as it pertains to the site?

MR. PARSONS: This is Brad Parsons. Specifically when we saw that error, which that is obviously unfortunate that that happened. Once we got -- we reviewed it and we saw that we were still within the compliance as we expected it to be, you know, there was no thought at that specific time however after, you know, further consideration and discussion, you know, and

providing that as part of a, you know, formal document on the record is something we felt we were willing to do and provide.

MR. SJOBERG: Thank you. And I want to ask another question as it pertains to that response to town interrogatory number 25. I'm curious as to why the petitioner used a standard-decibel reading instead of an A-weighted decibel reading otherwise known as the computer aided noise abatement model, curious as to why the petitioner chose the standard decibel rating instead of the A-weighted decibel reading?

MR. PARSONS: Bear with me because I'm -- I guess I'm trying to understand your A versus not because we had A in other locations so -- are you specifically referring to our response to the interrogatory?

MR. SJOBERG: So let me see if I can pull it up here. One moment, please. So, yeah, so perhaps I should back up and perhaps it was not in relation to your response to the interrogatory so much as it was your response to the noise study that

was conducted that your relying on from the East Windsor project that study used a standard decibel rating and I'm asking if an A-weighting decibel standard would be considered to be conducted for purposes of determining hearing damage and noise pollution.

MR. PARSONS: So this is Brad Parsons. And I can -- I guess what I'll say we'll provide a site specific noise study in accordance with, you know, industry standards.

MR. SJOBERG: Okay, thank you. And after concluding this noise study with the petitioner, then take any actions for mitigating any issues that are discovered in the noise -- that may be discovered in the noise study?

ATTORNEY HOFFMAN: Objection. That's a hypothetical, it calls for a whole lot of speculation in a study that hasn't been done yet.

MR. SJOBERG: Respectfully, I guess I'm just asking if there are issues that are discovered is the petitioner willing to

explore addressing those issues.

ATTORNEY HOFFMAN: Respectfully depends on what type of issues and everything else. The reality is if there are issues that are discovered the Siting Council is going to have jurisdiction over what happens next.

MR. SJOBERG: Okay. So perhaps -- maybe I'll word this differently. I'll move on, I'll move on.

So I want to move to petitioner's response to towns interrogatory question number 27 in which case the petitioner had stated that they would not be using any acoustic blankets to achieve a dampening of decibels emitted from the project sites. With that in mind, is the petitioner open to exploring using acoustic blankets on the project site?

MR. PARSONS: This is Brad Parsons. I guess I would answer that with there's -- based on our understanding of how the previous project noise study was completed and these specific converters that are being proposed, there is not intending to be any noise above state levels and these are

different inverters that have been used -- than have been used on previous projects is what I'll say.

MR. SJOBERG: Okay. So I imagine that the response would be the same for question number 28 as it pertains to sound barriers trying to achieve the same dampening effect.

MR. PARSONS: This is Brad Parsons. Yes, same answer.

MR. SJOBERG: Okay, thank you. Reference was made to the NDDB assessment and how there was a threatened species that wasn't identified. Are you able to disclose the name of what that species is?

MR. PARSONS: This is Brad Parsons, Jeff --

MR. SHAMAS: Yeah, this is Jeff Shamas from VHB. Yes, we haven't had a chance to, I guess, enter it into the record but it's the American Ruby Spot, it's a damselfly.

MR. SJOBERG: Thank you. And my final question this was brought up during the Council's cross-examination specifically as it pertains to the pole-mounted equipment. I know that it was stated that Eversource

recommended the pole-mounted equipment but I'm curious if the petitioner explored actually using pad-mounted equipment instead of pole mounted.

MR. FITZGERALD: Mr. Sjoberg, this is Bryan Fitzgerald. We've explored all potential options of metering projects like this pole mounted, pad mounted in similar projects and this one and again we took the recommendation of Eversource. It's equipment that is -- that has high serviceability it is readily available at a time where, you know, getting components like this is not the easiest. And again it's whatever Eversource recommended and, you know, it's located in an area that is feasible to accommodate an interconnection configuration like this.

MR. SJOBERG: Thank you. Mr. Morissette, that concludes my questions for today.

MR. MORISSETTE: Thank you Attorney Sjoberg. Before I close the hearing for this evening there are two additional late files that I'm going to

request from the witness panel. The first will be the revised plan for the next hearing. And the second, there's been a commitment here to do a pre-noise study to file that noise study and have it on the record for the next hearing as well. With that on the record there shouldn't be any questions associated with what will happen with noise study.

ATTORNEY HOFFMAN: So Mr. Morissette, that's a total of five late files by my count.

MR. MORISSETTE: Yes, that's correct. Do you want to go through them Attorney Hoffman?

ATTORNEY HOFFMAN: I just want to make sure that I've got them right, sir. So if that's not too much trouble.

MR. MORISSETTE: Sure not -- not at all. Let's make sure.

ATTORNEY HOFFMAN: You want an exhibit that shows visibility from sites that are across River Road from the well in the west side of River Road both in leaf on and leaf off conditions, a copy of the letter from

NDDB, the phase 1B study and I suppose, sir that we had said that's going to be at the end of the month so I suppose that it was when we anticipate that it's going to get done but we can't fully control that. So I guess were going to have to figure out when the deadlines are for this and then the revised plan that Mr. Parsons discussed and a pre-construction noise study.

MR. MORISSETTE: Yes. And I'll ask Attorney Bachman at this point if she has a particular date for continuation.

ATTORNEY BACHMAN: Thank you Mr. Morissette. Our continuation date is Tuesday March 19th, same time, 2:00 p.m.

MR. MORISSETTE: Very good. Thank you Attorney Bachman. Attorney Hoffman, hopefully you can accomplish all that by March 19th and we will continue them.

ATTORNEY HOFFMAN: Fortunately Mr. Morissette I don't have to do the work other people do.

MR. MORISSETTE: Okay. With that the Council will recess until 6:30 p.m. at which time we will commence with the public

comment session of this public hearing. Thank you everyone for your participation this afternoon and have a good dinner and we'll see you this evening. Thank you.

(Hearing recessed at 5:23 p.m.)

CERTIFICATE

I, STEVA BROWN, Professional Certified Verbatim Reporter and Notary Public, do hereby certify that pursuant to notice, the foregoing pages were reduced to writing by me, and this hearing is a true and accurate record of the testimony given by the witnesses. I do hereby state that I took the proceeding on February 8, 2024 by remote means.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this proceeding was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto or financially interested in the action.

Steva Brown, CVR
Notary Public,
State of Washington

My Commission Expires:
November 1, 2027
Remote Online Notary Endorsement