

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
10 FRANKLIN SQUARE
NEW BRITAIN, CONNECTICUT
APRIL 23, 2015

PETITION NO. 1120

A P P E A R A N C E S:

COUNCIL MEMBERS:

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1 . . . Siting Council Hearing held pursuant to
2 to the Provisions of Title 16 of the Connecticut
3 General Statutes and the Uniform Administrative
4 Procedure Act upon a petition from the United
5 Illuminating Company before the Members of the
6 Connecticut Siting Council, held at the offices of the
7 Connecticut Siting Council, 10 Franklin Square, New
8 Britain, Connecticut on April 23, 2015 at 1:00.

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1 (Hearing already in session)

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4 MR. STEIN: We will begin with

5 cross-examination by the Town of Fairfield.

6 MR. LESSER: Good afternoon. My

7 name is Stanton Lesser. I'm the town attorney for

8 the Town of Fairfield. I don't have a lot of

9 questions and I'm not sure to whom they should be

10 directed, but I will ask Attorney McDermott to point

11 me to the right person.

12 MR. McDERMOTT: As we indicated, Mr.

13 Rossetti is our quarterback.

14 Okay. My first series of questions does

15 deal with the EMF on the site and I know that Dr.

16 Williams is not here, but perhaps someone else can

17 answer the questions which are kind of general.

18 What is the capacity of the station as it

19 currently exists as far as load or power that it can

20 handle?

21 MR. BRADT: I am not sure exactly of

22 the amount. I am sure it is round 68 MVA current

23 capacity.

24 MR. LESSER: It wasn't clear --

25 MR. CLOUD: I am sorry. I might be

1 able to clarify that. David, you want to clarify
2 that.

3 MR. BRADT: The existing capacity is
4 77 MVA. That is how we characterize substations.

5 MR. LESSER: And it wasn't clear
6 from Dr. Williams' testimony and I just want to make
7 sure there are no plans to increase the capacity of
8 this substation; is that correct?

9 MR. ROSSETTI: That is correct.

10 MR. LESSER: Even now or in the
11 future?

12 MR. ROSSETTI: It's not in our
13 ten-year planning horizon so, at least for the next
14 ten years out that is a correct statement.

15 MR. LESSER: What would the maximum
16 capacity of the substation be as it currently is
17 configured.

18 MR. BRADT: 77 MVA. So, currently
19 the station is very close to its limit. This would
20 provide us with plenty adequate capacity throughout
21 the ten year planning horizon.

22 MR. LESSER: In order to increase
23 the capacity of this substation, what would be
24 necessary in terms of equipment?

25 MR. BRADT: Essentially this will

1 bring us to the full build out capacity.

2 MR. LESSER: So, even if you put in
3 larger transformers, larger capacitors there is no
4 way you could increase the capacity of the
5 substation?

6 MR. BRADT: No, that is not correct.
7 When I state that this would bring it to its full
8 build out capacity, that is based on the existing
9 transformer sizes, the existing equipment of the
10 station. So we have no plans to build out the
11 station beyond that.

12 Certainly if you were to remove the
13 equipment and put higher rated equipment in, you
14 could accommodate higher capacity, but we have no
15 intention to.

16 MR. LESSER: I don't know if any of
17 you folks are competent to answer this question, but
18 in that case, the case where you would desire to
19 increase the capacity, would you have to go back to
20 the Siting Council to get further approval?

21 MR. ROSSETTI: Yes.

22 MR. LESSER: Thank you. I know you
23 provided the testing, the EMF testing, are there
24 standards for exposure to EMF, any governmental
25 entity? Does any governmental entity provide

1 standards?

2 MR. CLOUD: Referencing the EMF
3 study, the study follows guidelines on exposure
4 limits for the general public recommended by the
5 International Committee On Electro-Magnetic Safety
6 And International Commission On Non-Ionizing
7 Radiation Protections.

8 Q Are there any indications based on either
9 the testing that you've done or the calculations that
10 you've done as to what the emissions are likely to be
11 after the new equipment is installed, that there would
12 be any exceedance of any of the standards, maximum
13 standards set for EMF?

14 MR. ROSSETTI: The report states
15 that it will not cause any significant change to the
16 existing levels of electric and magnetic fields at
17 the boundary of the site. So, it will not make any
18 significant difference. It will be within limits.

19 MR. LESSER: And is it currently
20 within limits? Are there any exceedances anywhere on
21 the site currently of the standards?

22 MR. ROSSETTI: No, there is not.

23 MR. LESSER: So, it is your
24 testimony that there will be no exceedance with the
25 new equipment?

1 MR. ROSSETTI: That is correct.

2 MR. CLOUD: I would reference, the
3 last paragraph of the Executive Summary of the EMF
4 report states that levels of electric and magnetic
5 fields under existing proposed conditions would be
6 far below levels recommended by the International
7 Committee On Electro-Magnetic Safety and The
8 International Commission On Non-Ionizing Radiation
9 Protection For The General Public and are similar to
10 those found in homes not near substations.

11 Q Thank you. I know that it was spoken about
12 at the first hearing, but I just want to make sure.
13 There was some discussion about the box turtle
14 population. I just would like to have someone verify
15 it's been dealt with and how you're going to handle
16 it.

17 MR. McDERMOTT: I would ask Mr.
18 Quinn to come up and join the panel. He's our
19 turtlogist who has studied the turtle issue.

20 MR. QUINN: The turtle issue has
21 been dealt with. We will be following all the
22 specified recommendations from the Connecticut
23 Department Of Energy And Environmental Protection
24 during construction activities.

25 MR. LESSER: The answers to one of

1 the interrogatories, CSE, it looks like 2-6, there is
2 a question about alternatives to this project
3 identified electric demand. And in the answer to the
4 interrogatory there were some reasons given why this
5 was a better site than a site on Old Town Road or the
6 Old Town Road area of Bridgeport. I will give you a
7 second to familiarize yourself with that.

8 MR. ROSSETTI: I believe, Mr. Bradt
9 can answer that question.

10 MR. BRADT: Would you repeat that?

11 MR. LESSER: You're familiar with the
12 Old Town Road area substation in Bridgeport.

13 MR. BRADT: Yes.

14 MR. LESSER: Apparently that was
15 considered as an alternative to updating this station
16 or upgrading this station?

17 MR. BRADT: That was.

18 MR. LESSER: And you gave some
19 reasons in the answers to the interrogatories
20 regarding those and you indicated that you could not
21 accommodate the proposed capacitor banks without
22 significant and costly modifications. That is true?

23 MR. BRADT: That is correct.

24 MR. LESSER: Now, it is true though
25 that you're undergoing some significant modifications

1 and upgrades to the Hawthorne substation?

2 MR. BRADT: In comparison, the
3 Hawthorne upgrades are very modest. We are
4 essentially not really touching the other substation
5 equipment. The Old Town substation in contrast, the
6 entire substation essentially needs to be taken down
7 and rebuilt in order to accommodate the full ten-year
8 plan -- I guess you could say, the ten-year plan for
9 the Old Town substation cannot accommodate the
10 capacitor banks as is in the current form.

11 MR. LESSER: I took a look at the
12 map that was provided, the photo of the area and it
13 appeared to me and you can either agree or disagree
14 with this comment, but it appeared to me that the Old
15 Town Road area seems to be a bit less of a
16 residential area than Hawthorne Street, is that fair
17 statement?

18 MR. McDERMOTT: What's the photo
19 you're referring to?

20 MR. LESSER: It was attached to the
21 answers to the interrogatories.

22 MR. STEIN: Maybe Mr. Tournas'
23 interrogatories.

24 MR. McDERMOTT: Let me just grab the
25 photo.

1 MR. LESSER: Let me ask this question
2 while you're looking at it. Is there anyone that is
3 familiar with the area around Old Town Road without
4 looking at the photo?

5 MR. BRADT: I am familiar with the
6 area.

7 MR. LESSER: And based on what you
8 know of the area, would it appear to you that that
9 area is less of a residential area than Hawthorne
10 Street?

11 MR. BRADT: I would say they are
12 both in residential areas. You could say that,
13 perhaps, the Hawthorne location has houses around
14 more of the perimeter than the Old Town area.
15 However, Old Town, some of the property that we own,
16 there are residences there along the backside of that
17 property. I really can't answer it accurately. I am
18 not really sure if we were to build out that
19 substation to accommodate these capacitors, I am not
20 really sure I could say there would be less of a
21 visual impact. I really don't honestly know.

22 In its current form, Old Town substation
23 appears to be farther away from the neighbors. But
24 in order to accommodate this, we would essentially
25 have to demolish the station and rebuild it. And we

1 do have plans to do work at the Old Town substation
2 in the ten-year horizon.

3 However, to accommodate this, I am not sure
4 how close the neighbors would be to the full build
5 out. I don't know if that clarifies it.

6 MR. LESSER: Thank you.

7 MR. BRADT: I don't know if this is
8 appropriate here, but some of the numbers I quoted
9 you before I think I transposed them. It doesn't
10 matter I don't think. But you asked me what the
11 rating was, the existing rating 77 MVA with the
12 capacitor bank, it is going to be increased 88 MVA.
13 But the rest of my statement that I told you earlier
14 is correct.

15 With the proposed upgrades, this provides
16 us with plenty of capacity for the future ten-year
17 horizon. We don't have any intentions of changing
18 our transformers or anything else. So, all of that
19 is accurate. I just wanted to make sure for the
20 record.

21 MR. LESSER: So, it is going from 77
22 to 88 MVA?

23 MR. BRADT: That is correct.

24 MR. LESSER: That is the capacity or
25 actual load?

1 MR. BRADT: That is the capacity.

2 MR. STEIN: Would you raise your
3 voice up a little?

4 MR. BRADT: Would you like me to
5 repeat that? For the record, earlier I stated the
6 MVA rating would be 77 MVA. But that is the current
7 rating 77 MVA. The proposed rating with the new
8 capacitor would be 88 MVA. And that currently at the
9 77 MVA rating, we are very close to that limit. In
10 fact, once in the last several years we actually hit
11 that 100 percent limit. With this new rating, it
12 gives us a significant amount of additional capacity.
13 We will be well below that. That is with no other
14 changes made to the station.

15 MR. LESSER: The load or the -- I
16 guess it is the load, that's generated by this
17 station is a function of the voltage and the current,
18 correct and also the size of the transformers that
19 are used?

20 MR. BRADT: The load at the station
21 is derived from the connected customers. So, as
22 people add load to their residences, air
23 conditioning, pool pumps, those kind of things, that
24 is what actually causes the load to increase. Our
25 station is built to accommodate the peak demand for

1 that load. And for UI, that is during the
2 summertime.

3 Q And you cannot increase the capacity to
4 handle additional load without the upgrade of the
5 station by adding transformers and such or increase
6 the capacity of the transformers?

7 MR. BRADT: The proposed solution is
8 the most economic solution. Transformer upgrades and
9 other types of upgrades, another transmission line
10 down that corridor, things like that do have an
11 effect on increasing capacity, but the capacitor bank
12 is most cost effective way of dealing with that.

13 MR. McDERMOTT: Pretend you're
14 having a with someone in the last row, speaking to
15 the last row. Raise your voice.

16 MR. LESSER: Okay. There's been
17 some questions about light trespass here, not to
18 change the subject. I would like to know what, if
19 anything, that UI is prepared to do to insure that
20 light trespass is minimized for the residents in the
21 neighborhood?

22 MR. ROSSETTI: We did talk about
23 this at the last hearing. This is Mr. Rossetti. And
24 we did make a modification to our lighting design
25 such that most lights except for one will be off for

1 normal conditions. The only time lighting will be
2 turned on at the station is if there's a security
3 breach or emergency condition where we have to have
4 task lighting on in the substation yard.

5 We will have one light that we changed our
6 plans to to show the fence going up, again facing
7 away from the residents and the fence gate where our
8 employees can come in so they can see to get into the
9 substation yard.

10 MR. LESSER: If the Siting Council
11 were to order you to do that, you would be okay with
12 that? That is acceptable to you? You would agree to
13 do those things?

14 MR. ROSSETTI: If so directed.

15 MR. LESSER: And are there other
16 modifications -- I know you submitted another plan.
17 I haven't seen it yet, but there was some discussions
18 held and as a result of those discussions, it is my
19 understanding that your company is willing to make
20 certain accommodations or changes in the original
21 plans and I would ask if someone could, just for the
22 record, state what those accommodations are so that
23 we can put them on the record right now.

24 MR. ROSSETTI: Sure. I can talk to
25 that. Again, one of those changes was the lighting.

1 The second thing that we talked about was
2 vegetative screening on the southside of the
3 property. We talked about putting vegetation --

4 MR. McDERMOTT: Attorney Lesser, are
5 you asking about the drawing that was filed today
6 which would be Exhibit 19?

7 MR. LESSER: I haven't seen that
8 drawing.

9 MR. ROSSETTI: So, we mentioned the
10 lighting. We talked about working with the neighbors
11 on the southside to put vegetative screening in on
12 the southside of our property. On the customers'
13 property, we would one time purchase -- again we
14 would work with the abutters to put some vegetative
15 screening on the southside of the property. We also
16 modified the proposed fence line on the southside.
17 We talked about pushing in the fence. We also talked
18 about putting 45-degree angles on either side, on the
19 southside of the property as well.

20 We also talked about on the east side of
21 the property, making that fence line a straight line.

22 We also talked about decreasing -- this is
23 actually a net decrease in the asphalt that was
24 proposed in our original plan. It's a net decrease
25 of about 730 square feet of asphalt. So that was a

1 change as well.

2 We are putting gravel in and not asphalt.
3 Again, we are willing to decrease the height of the
4 lightning mask from 70 feet to 55 feet for the
5 proposed lightning mask. Again, if we do so, we have
6 to add one lightning mask on the westside of the
7 property in the modification area.

8 MR. LESSER: And were the Siting
9 Council to order these items, you would do them?

10 MR. ROSSETTI: If so directed, yes,
11 we would.

12 MR. LESSER: Now, if the Siting
13 Council grants this approval for this project, there
14 would be a plan developed as to how the means and
15 methods that would be used to accommodate this or
16 accomplish this?

17 MR. ROSSETTI: We will be submitting
18 an extensive D&M plan as part of the project. That
19 is correct.

20 Q And would you be willing to work with the
21 neighbors, at least consult with them prior to
22 submitting the D&M plan?

23 MR. ROSSETTI: Again, we will go on
24 record, we will be a good neighbor and work with the
25 neighbors the best that we can to make any

1 modifications that would appease both parties.

2 MR. LESSER: Nothing further. Thank
3 you very much.

4 MR. ROSSETTI: I would like to add
5 also that we will work with the town as well, the
6 abutters and the town.

7 MR. LESSER: Nothing further.

8 MR. STEIN: We will now go to the
9 cross-examination by the intervenors, Mr. Tournas and
10 Vincent Giandurco.

11 MR. McDERMOTT: Excuse me. I think
12 the intervenors were already cross-examined at the
13 Fairfield evening. We had gone out of order.

14 MR. STEIN: We have new information
15 that you provided.

16 MR. McDERMOTT: As long as we
17 understand the cross-examination is limited to the
18 new information, I have no objection.

19 MR. STEIN: If you want to come up
20 sir.

21 MR. TOURNAS: Arthur Tournas,
22 intervenors.

23 MR. GIADURCO: Vincent Giadurco,
24 intervenor.

25 MR. STEIN: This is, basically, on

1 the new exhibit that was just provided.

2 MR. McDERMOTT: Mr. Tournas, you
3 have a copy of the revised site plan that was filed
4 this morning?

5 MR. TOURNAS: I did not see that.

6 MR. CLOUD: I can speak to what is
7 on that map by using the rendering. Would that be
8 acceptable?

9 MR. STEIN: For them to ask
10 questions, they are going to need copies.

11 MR. GIANDURCO: I went through your
12 response, CSE3 which was received, I believe, three
13 days ago. And there were questions on five topics:
14 Wetlands, turtle habitat, EMFs and one additional
15 thing about lighting. Is that okay to address those?

16 MR. STEIN: Yes.

17 MR. GIANDURCO: First, the report
18 again restates as it did in the original
19 September 2014 report that there are no wetlands, but
20 it does state there are wet areas and it does state
21 there are certain trees that are typical of wetlands.

22 What I would like to know, perhaps, someone
23 on the Council would be able to find this out later.
24 Do we have a wetlands map?

25 MR. McDERMOTT: I am sorry, Mr.

1 Giandurco, if we could take one question at a time?

2 MR. GIANDURCO: Sure.

3 MR. McDERMOTT: I am told that
4 there's a wetland map. It's in the initial report
5 filed by the DL companies. There's also a wetlands
6 map that is attached to the Town of Fairfield's
7 prefiled testimony from Ms. Jacobson. So, the maps
8 are already in the record.

9 MR. GIANDURCO: It also seems to me
10 that the wetlands report was based on essentially on
11 a single site visit, September of 2014. I would have
12 thought --

13 MR. McDERMOTT: I will object. If
14 you have a question we can answer the question.

15 MR. GIANDURCO: Okay. Council, I
16 will ask a question. Is that a satisfactory
17 oversight on that issue? That is to say, is one
18 visit to a site satisfactory to decide whether or not
19 it's a wetlands?

20 MR. McDERMOTT: Mr. Chairman, I was
21 going to finish my sentence by saying, we have asked
22 our wetlands consultant in to join us at the table.

23 MR. STEIN: We have been looking
24 forward to that. Go ahead.

25 MS. HUEBINER: It is typical to

1 assess the property only once. I was there in
2 September, but I did go back in April. And there's
3 one wetland that is not on the property. It is north
4 of the property.

5 MR. GIANDURCO: How close would that
6 be in terms of proximity?

7 MR. CLOUD: So, the wetland is
8 approximately 19 feet from the property line. I am
9 referencing CSE6, Attachment D. Maps submitted by
10 UI.

11 MR. GIANDURCO: You responded that
12 it is to the north of the property. It seems to me
13 that to the north of the property is primarily the
14 residence. Is it not to the south or west of the
15 property? I am just trying to clarify.

16 My mistake, I spoke in error. Yes. I know
17 where you mean.

18 My other question would be, would there be
19 any potential runoff from this being that the
20 footprint is now larger, imperil or endanger the
21 wetlands in any way?

22 MS. HUEBINER: I do believe that
23 would be a correct question about storm drainage and
24 how that would be implemented.

25 MR. GIANDURCO: We have now found

1 there's a wetland approximately 19 feet from the
2 north side of the site. We are enlarging the
3 footprint on the site as we do this. Would any
4 runoff or any other sort of detritus from the site
5 itself, but not just anything else that might take
6 place there, in anyway endanger the wetlands?

7 MR. KATRECKO: I don't believe so
8 because of our soil erosion and the plan we have in
9 place where, basically, all the measures we will have
10 in place to prevent anything to get past the boundary
11 line.

12 MR. GIANDURCO: Okay. These are
13 things that came up. I can move on to the next
14 question. Is that okay?

15 MR. STEIN: The Chairman will decide
16 whether or not it is okay. Mr. McDermott may want to
17 be the judge, but that is one of the few prerogatives
18 that the Chair has. Go ahead.

19 MR. McDERMOTT: For the record, it
20 should be noted that I did not respond to the
21 invitation.

22 MR. GIANDURCO: The next thing I
23 wanted to talk about, the box turtles on the site.
24 We had testimony earlier about the box turtle
25 habitat. We have been told -- I am uncertain,

1 basically, what UI's position is. Your original
2 report stated that there was back in February, there
3 was a box --

4 MR. McDERMOTT: I will object to
5 the misleading testimony. There's never been any
6 testimony there's been box turtles on the property.

7 MR. STEIN: I don't know if you
8 finished your question. Put it in the form of a
9 question so we understand it.

10 MR. GIANDURCO: I am actually
11 referring -- I just want to clarify for them as
12 well. I am referring to a letter of November 14,
13 2014 from Mr. Kyle Eckert of Conestoga Roggers
14 (phonetic). It says, Dear Kyle, so, it is addressed
15 to Mr. Kckert. It's from Dawn McKay an environmental
16 analyst.

17 Ms. McKay states in a letter to Mr. Eckert,
18 that according to our information -- the second
19 sentence -- according to our information, there are
20 extant populations of state special concern, gives
21 the Latin name for the box turtle, in the area where
22 this work will occur. That was part of the evidence
23 that was submitted as part of the clearance for this
24 petition. And now we are being told there is no
25 habitat. If they are there, they are there

1 periodically during the year. So, I just want to
2 make sure what that all means.

3 MR. McDERMOTT: Again, so the
4 record is clear, there's been no testimony and Mr.
5 Giandurco has not presented any current information
6 there has been box turtles on the property.

7 MR. GIANDURCO: Okay. But this
8 letter states that there are. It states they are in
9 the area. I don't know what that means. Does that
10 mean on the site?

11 MR. STEIN: The letter is from DEEP.
12 So, I would like for your expert to comment on that
13 letter. It's not something that was sent in from
14 some other party, it was from a state agency.

15 MR. McDERMOTT: To begin with, I
16 can ask my witness if he can say whether he's
17 identified box turtles on the property or is aware at
18 any time --

19 MR. STEIN: I would just expand on
20 it and have your witness present any evidence and
21 also how would you respond to the comments in the
22 letter from the state agency.

23 MR. QUINN: This is Dennis Quinn.
24 To address the box turtles question, there are box
25 turtles in the vicinity of the site. They were

1 reported approximately 200 yards from the
2 construction area in 2014 to the State of Connecticut
3 through the Natural Diversity Database Solution form.

4 MR. GIANDURCO: Typically, how large
5 is the box turtles habitat approximately? Is it
6 hundreds of yards?

7 MR. QUINN: It is not a box turtle
8 habitat as much as it is a box turtle home range.
9 And it can vary. Typically a box turtle home range
10 would be approximately 3 to five hectares depending.
11 It is variable.

12 MR. GIANDURCO: How large is a
13 hectare?

14 MR. QUINN: A hectare is 2.4 acres,
15 I believe.

16 MR. GIANDURCO: So, if it is
17 approximately five hectares, we are looking at an
18 area perhaps, 12 and a half acres. It is a large
19 area.

20 MR. QUINN: Correct.

21 MR. GIANDURCO: And therefore, it
22 could in some ways intersect with this site, is that
23 possible?

24 MR. QUINN: Yes. That is possible.

25 MR. GIANDURCO: So, on the record

1 then, this site might have an Eastern Box Turtle,
2 habitat? Might. I'm not saying it does. You're
3 saying it could?

4 MR. QUINN: Yes, it could have an
5 Eastern Box Turtles habitat.

6 MR. GIANDURCO: I just wanted to get
7 that on the record.

8 In terms of the EMF levels that were
9 included in the report, we just had testimony just
10 prior to our appearance here that all tested levels
11 are within the range considered safe by the various
12 bodies that have put out research and data level
13 recommendations which I did see in the Executive
14 Summary. Some of the numbers in the --

15 MR. STEIN: Again -- question not a
16 statement.

17 MR. GIANDURCO: I am sorry. I
18 wanted to give background to clarify. Some of the
19 numbers seem to exceed levels that I have read in my
20 own research that are considered safe for residential
21 areas. For example, in CSE-310, table five, there's
22 one reading that is 50 feet from the utility
23 installation itself. Is it at 66 milligals
24 (phonetic). And that would seem to be extremely
25 close to the residences because this would be the

1 projected new border. So is 66 milligals considered
2 a safe level? That's my question.

3 MR. McDERMOTT: The panel is
4 looking at me Mr. Chairman. So I thought I had asked
5 the intervenors as well as the town if they had EMF
6 questions and I was told they did not. That is why
7 we didn't bring Dr. Williams back from Maryland to
8 testify today. I thought I was clear they weren't
9 going to have any EMF questions.

10 We did file the unredacted version of the
11 EMF report. The results can speak for themselves. I
12 would happy to take post-hearing interrogatories to
13 answer specific EMF questions. With that, I
14 apologize for not having her present. I was working
15 under the assumption that she was not needed because
16 there were no more EMF questions.

17 The panel is looking at me in a way of
18 saying help because they are beyond their capacity to
19 answer some of the questions that Mr. Giandurco is
20 asking at this point.

21 MR. STEIN: So, the answer is we
22 don't have an answer for your question.

23 MR. GIANDURCO: Is it possible that
24 we would find that out that if you're within say 50
25 feet of a residence, is 66 milligals considered a

1 safe level for long term exposure not momentary. I
2 would like to know that.

3 MR. McDERMOTT: We will have the
4 question by Monday.

5 MR. GIANDURCO: Thank you Council.
6 There's one more question that I would like to ask.
7 I am not certain -- do all my questions here have to
8 be related to these interrogatories responses?

9 MR. STEIN: They do.

10 Mr. Lesser: Then I cannot ask this
11 question now. No further questions.

12 MR. STEIN: Now, we are going to go
13 -- starting with Mr. Mercier, who is staff counsel.

14 MR. MERCIER: I have just a couple
15 of questions regarding the new site plan that was
16 submitted. You may have done it before. I may have
17 been distracted. Why was the site plan altered to
18 remove the pavement and install the gravel?

19 MR. ROSSETTI: As a result from the
20 hearing and from the interrogatories that we received
21 in the past, we took a second look at our design and
22 try to make accommodations so that we would not have
23 additional runoff in the area. So, we did go back
24 and take a look at our design for a second time and
25 made those changes.

1 MR. MERCIER: Thank you. In regards
2 to the new substation layout, meaning there is less
3 impervious surface now, do you have to alter or
4 obtain a new stormwater discharge permit from the
5 DEEP.

6 MR. KATRECKO: The answer is no.
7 It is a living document. So we can amend it as we go
8 along depending on the conditions in the field and as
9 mentioned the changes.

10 MR. MERCIER: Thank you.

11 MR. KATRECKO: It was confirmed
12 with DEEP.

13 MR. MERCIER: Thank you very much.
14 Looking at the plan, I am just looking at the
15 southend. Previously Mr. Rossetti you stated that UI
16 is proposing to angle the southend corners, but I
17 don't see that on this plan. I am not sure if that
18 is something that is proposed or not.

19 MR. ROSSETTI: We are planning on
20 angling the fence line, 45-degree angles on either
21 side on the south end of the property. That is
22 correct.

23 MR. MERCIER: Another thing you
24 mentioned was drawing the fence in a bit. Is that
25 fence reduction reflected on this plan that was

1 submitted?

2 MR. ROSSETTI: No, it's not.

3 MR. MERCIER: Thank you. Do you
4 know the approximate square footage of the existing
5 fenced area of the substation? Anybody have that
6 information? 20,000 square feet, 30?

7 MR. KATRECZKO: Are you referring to
8 the additional that was obtained?

9 MR. MERCIER: I'm referring to the
10 existing footprint that is shown here. I guess I
11 could measure it out. I was wondering if you knew
12 offhand.

13 MR. KATRECZKO: The existing
14 footprint is 2.80. The area that is going to be
15 disturbed is 1.4.

16 MR. MERCIER: Thank you. The last
17 item was the light mask that was talked about that
18 will be on -- excuse me, a light will be mounted on a
19 light mask near the gate. What's the height of that
20 mask?

21 MR. ROSSETTI: Approximately 30 feet
22 tall.

23 MR. MERCIER: Is that a wood or
24 metal structure?

25 MR. ROSSETTI: That would be a wood

1 pole.

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

4 MR. STEIN: Dr. Bell -- we have
5 special reason for allowing Dr. Bell -- we may even
6 have her sit in my seat. Dr. Bell.

7 DR. BELL: Thank you, Mr. Chairman.
8 After that special privilege, I actually have no
9 questions.

10 MR. STEIN: Senator Murphy.

11 MR. MURPHY: I can't say that she
12 asked all the questions. I have no questions.

13 MR. ASHTON: I'm going to break the
14 pattern. I missed the first ten minutes. I
15 apologize. It may have been covered there. As I
16 look at the new drawing, I don't see any new date.
17 Is there a new date on this drawing? Or is there to
18 be a new date?

19 MR. CLOUD: To clarify, you're
20 referencing what UI submitted?

21 MR. ASHTON: Yes. It says
22 preliminary new drawing.

23 MR. CLOUD: That is actually the
24 drawing submitted with the petition. Comments were
25 put on to the drawings to indicate the area that

1 would be changed from an impervious surface to
2 crushed stone.

3 MR. ASHTON: That is the only change
4 I see on this, is that correct?

5 MR. CLOUD: That is correct.

6 MR. ASHTON: I had a note on my
7 earlier drawing. I can't recall whether it was
8 discussed or not. Extreme northeast corner, there's
9 an area that is marked off in red and I don't know
10 what is supposed to happen to that area. Do you
11 follow me? It is this area right up here.

12 MR. CLOUD: That is also an area
13 that was originally proposed as crushed stone and
14 would remain as crushed stone in the current revised
15 plan. That is for UI's mobile transformer to perform
16 the backup maneuver, essentially the tractor drives
17 up the driveway, noses into the far corner and then
18 angles into the yard, via the 24 foot drive gate that
19 is shown in the fence line at the corner of the
20 northeast corner of the yard.

21 MR. ASHTON: You are going to put
22 crushed stone right to the property line?

23 MR. CLOUD: It would be field
24 located. It doesn't need to be directly up to the
25 property line. Again, as we stated before, we would

1 insure that the one tree called out would be the only
2 tree removed.

3 MR. ASHTON: We covered this in the
4 D&M plan?

5 MR. CLOUD: Yes. There would be
6 additional detail in the D&M plan.

7 MR. ASHTON: And the new drawing,
8 so-called, doesn't show how the fence is going to be
9 relocated, does it?

10 MR. CLOUD: I think I could clarify
11 that if you would. I could point on the 3D rendering
12 exactly what UI is proposing for modification of the
13 fence line, if that is acceptable?

14 MR. STEIN: Sure, go ahead.

15 MR. CLOUD: In response to some of
16 the questions we received during the first hearing,
17 UI took an action item to go and look at the ability
18 to reduce the cut and fill as well as reducing the
19 number of 90-degree corners of the fence line. So, I
20 am sorry. If you can't see this too well.

21 Basically, what UI is proposing to do is
22 that along this side of the fence line, right here,
23 UI can bring that fence line farther to the north so
24 more in this location by relocating this mask
25 approximately 100 feet to the north, about in this

1 area. And then adding additional fenules which are
2 five-foot small lightning masks on top of the takeoff
3 structures to accommodate that shift. And what we
4 would propose to do would be the angle the corners on
5 this side, angle the corners as the fence jogs back
6 around the capacitor bank to on the southside to
7 accommodate drive access and electrical clearances to
8 the new equipment and then another 45-degree corner
9 on this side.

10 In addition, we would eliminate the jog
11 shown in the fence line on the eastside of the
12 property and straighten that entirely for the entire
13 eastside of the yard.

14 MR. ASHTON: Is the clearance
15 between the capacitor bank on the westside of the
16 westside fence which is shown as 26 feet going to
17 stay 26 feet or is it going to change?

18 MR. CLOUD: That clearance would
19 remain.

20 MR. ASHTON: So the fence would be
21 left as you have shown it on that drawing?

22 MR. CLOUD: On the westside; that is
23 correct.

24 MR. ASHTON: Nothing further. Thank
25 you Mr. Chairman.

1 MR. STEIN: Thank you. Mr. Hannon.

2 MR. HANNON: Thank you Mr. Chairman.

3 I do have a couple of questions. I know it was just
4 recently stated that the town wetland map was
5 submitted, I guess, as part of the record. What
6 would you say the accuracy of that map is?

7 MR. McDERMOTT: Just to be clear, I
8 was referring to the December 5, 2014 letter that was
9 filed by Ms. Jacobson and there was an attachment to
10 it which, I believe, looks like it was a screen shot
11 of the town wetland map.

12 MR. HANNON: I will go on to the
13 other questions. In terms of the wet area that is
14 located on the site, one of the questions was dealing
15 with were soil augering performed. If yes, please
16 provide the field test data. I am used to seeing
17 information on the plan, where the auger holes were
18 done, where the deep test pits were done. Any type
19 of that data to support that information. If I'm
20 reading this correctly, there is no information
21 period.

22 MS. HUEBINER: There is information.
23 There's an Army Corp data sheet that I completed for
24 the wetlands that is north, outside of the property.
25 So, there's a wetlands plot and an uplands plot.

1 If there is no wetlands determined then
2 usually there's no data plot recorded.

3 MR. HANNON: So you don't plot any
4 of the test holes that were done. So we have no idea
5 where the test holes may have been done. We don't
6 have any information in terms of the data that came
7 up. If you had to make an assumption in terms of its
8 a wetland or not a wetland, we don't have any of that
9 data. So, there's still some questions I know that I
10 have and I believe Dr. Klemons have when we were
11 working on these questions together. And that was
12 one of the issues we had. It looks like this area is
13 quite wet for a fair amount of time. And also going
14 back to the original report in terms of the soils
15 that are out there, one of the things that you can't
16 find is poorly drained and very poorly drained soils.

17 I am looking to see what information was
18 actually determined in the field and we don't have
19 anything. So that is kind of where my issue is, that
20 you're saying one thing, but we don't have any data
21 to support what you are saying or anything else.

22 MS. HUEBNER: As practiced, if an
23 area is determined non-wetland through several soil
24 augers, through looking at the hydrology and through
25 vegetation, the data is usually not recorded.

1 MR. HANNON: I have been doing this
2 for over 30 years, that is the first time I heard
3 that. Okay.

4 Dealing with Dawn McKay's report, the box
5 turtles, are you planning on adopting the
6 recommendations in the database letter as far as
7 turtle protections?

8 MR. ROSSETTI: We are prepared to
9 adopt the recommendations.

10 MR. HANNON: That is all I have at
11 this time. Thank you.

12 MR. STEIN: Mr. Lynch.

13 MR. LYNCH: No questions, Mr.
14 Chairman.

15 MR. STEIN: I am not sure if the
16 first part is a question. I was disturbed in the
17 first hearing of the number of people in a public
18 hearing, people giving opinions, making allegations,
19 but the number of people who raised questions
20 relating to process and the lack of transparency.
21 This is the first time -- I haven't been here as long
22 as some others, but I have been here on very
23 controversial projects where five members of the
24 state assembly actually came to the hearing and
25 spoke. I think almost all of them mentioned that

1 issue.

2 Again, I don't have the facts. It's really
3 not the purview of the Council as to what meetings of
4 selected or non-selected groups of neighbors were
5 held prior to the hearing. And I also know that you
6 don't join the Council to win any popularity
7 contests, but every year the Council does have to be
8 vigilant as to what's going on in the state assembly.
9 That there are often bills that are put forward that
10 reduce or limit our jurisdiction. So I just, without
11 being able to pose a question, I am concerned and I
12 did hear today that UI intends to be a good neighbor,
13 but I would really wish that you would take this
14 seriously both now and in the future because I did as
15 I said, the echoing of that concern at the hearing
16 and the question about whether a certain property
17 owner should have or should not have gotten notice,
18 those kind of procedural issues really do not help
19 and do not help your credibility and ultimately the
20 credibility of the Council.

21 So I have been disturbed by that for some
22 time. I felt I wanted to say it. And I do have one
23 question because this was -- nothing was brought up.
24 I think it -- you did answer it in one of your
25 responses, but there's apparently some construction

1 of work in the field relating to metal components
2 where they are cut or shaved or something which may
3 or may not produce dust. So is there somebody who
4 could, one, explain the process. And two, what you
5 do to mitigate to make sure you are not creating any
6 dust or particles that may extend beyond your actual
7 property.

8 MR. ROSSETTI: Mr. Buccheri will
9 answer that question.

10 MR. BUCCHERI: We have reached out
11 to our construction contractors that we currently
12 used and have used in the past. The type of
13 machinery that they use to perform aluminum cutting,
14 they use non-ferrous saw blades which do not create
15 dust, but rather shavings.

16 The protection that they use is mainly just
17 to protect themselves against cuts from the shavings.
18 Typically, just a face shield, long sleeves, and
19 hardhats, but nothing outside of that as far as --
20 no respirators, anything like that. No harm.

21 MR. STEIN: Again, since that was
22 brought up and also one of the questions -- one of
23 the intervenors -- by one of the intervenors. I
24 wanted to be clear what the process was, and to make
25 sure that was not something -- whatever it is,

1 shavings or dust migrate outside of the property.

2 MR. ASHTON: May I follow-up on that
3 question?

4 MR. STEIN: I would appreciate it.

5 MR. ASHTON: The question was also
6 on the toxicity of dust. Is there any literature of
7 which you're aware which addresses that question that
8 the by-product of the cutting or welding may create a
9 toxic substance in the substation? Did you look at
10 that aspect?

11 MR. ROSSETTI: We will have our
12 environmental folks answer that question.

13 MR. ASHTON: While you're looking it
14 up, I have one other question. You recall I raised
15 the topic about a dump that was operating the last
16 time we met. Has that operation ceased or been
17 removed?

18 MR. BUCCHERI: We have sent our
19 crews out to take a looked at that. We will be
20 taking care of the material that is on our property.
21 One thing I would like to note is it will require
22 some vegetation clearing because it's all overgrown
23 in there. The debris, which I think you witnessed,
24 so, it will require some vegetation clearing to
25 address that. But we will be out there taking care

1 of that.

2 MR. ASHTON: I hope you will take
3 steps as to suppress that kind of thing later in the
4 future.

5 What is the answer to the environmental
6 question?

7 MR. CROSBY: Sean Crosby
8 environmental analyst.

9 MR. McDERMOTT: Coming from the back
10 row is Mr. Crosby, but he's not been sworn.

11 MR. STEIN: Swear him in now.

12

13 S E A N C R O S B Y,
14 called as a witness, having first been
15 duly sworn to tell the truth, the whole truth and
16 nothing but the truth, testified as follows:

17 MR. CROSBY: During standard
18 construction practices --

19 MR. STEIN: Why don't you grab a mic
20 and bring it closer to you.

21 MR. CROSBY: My apologies. The
22 aluminum shavings that will be generated during
23 construction will be managed appropriately. The
24 hazards that I think the residents or intervenors
25 were concerned with were the particulate and

1 migrating through their property where standard
2 levels through NIOSH and OSHA deal with permissible
3 exposure levels, those obviously will not be of a
4 concern because of the shavings versus particulate
5 migrating off-site, which won't happen.

6 Some of the protection measures we will
7 have in place, our contractor will have a health and
8 safety plan to make sure those actions --

9 MR. ASHTON: You're going beyond my
10 question. My question was very simple. Are you
11 aware of any literature that describes aluminum as
12 being a hazardous by-product or threat?

13 MR. CROSBY: For the activities that
14 are to be performed, no, I don't have any.

15 MR. ASHTON: Is aluminum a fairly
16 common element in the ground?

17 MR. CROSBY: Aluminum can be
18 naturally occurring, yes.

19 MR. ASHTON: It naturally occurs in
20 the ground, doesn't it?

21 MR. CROSBY: Yes.

22 MR. ASHTON: It's one of the more
23 common elements, in fact?

24 MR. CROSBY: It naturally occurs in
25 the ground, yes.

1 MR. ASHTON: Nothing further. Thank
2 you.

3 MR. STEIN: Thank you. Now trying
4 to figure out logistic so we can have the appearance
5 by intervenors to the extent there is any
6 cross-examination questions.

7 MR. McDERMOTT: Mr. Chairman,
8 Attorney Bachman and I have redirected the company's
9 witnesses at the end of the hearing. Is that the
10 preference?

11 MR. STEIN: Yes, thanks.

12 MR. McDERMOTT: In which case I
13 would like an opportunity to respond to the Chair's
14 comments about the notice. There are two sides to
15 this story not one and no matter how many times one
16 side of the story is said it doesn't make it true. I
17 would like to address that. I can do that now or at
18 the end of the hearing. I think it is imperative the
19 record reflect the company's position.

20 MR. STEIN: I am sure you can add
21 that to your redirect at the end.

22 MR. McDERMOTT: With all due
23 respect, Mr. Chairman, I think it's a legal -- I
24 could handle it through redirect, but I think there
25 are legal aspects to it, in particular what

1 constitutes an abutter, but I could get out many of
2 the facts on redirect and follow-up. That is fine.

3 MR. STEIN: So, at some point after
4 redirect you can address -- I don't believe I
5 mentioned any specific abutter when I stated my
6 comments, but we will take care of that. We got
7 other people who have been waiting patiently to be
8 cross-examined.

9 So if Mr. Tournas and Mr. Giandurco if you
10 can come up. If you don't mind, you can sit at that
11 table right there.

12 MR. GIANDURCO: Vincent Giandurco.

13 MR. TOURNAS: Arthur Tournas,
14 intervenor.

15 MR. GIANDURCO: Mr. Chairman, are we
16 going to be questioned now?

17 MR. STEIN: Yes. You have entered
18 exhibits and you have 12 of them according to what I
19 have in front of me. Before that would you please
20 rise and we'll have to swear you in.

21 V I N C E N T G I A N D U R C O,
22 and A R T H U R T O U R N A S,

23 called as a witness, having first been
24 duly sworn to tell the truth, the whole truth and
25 nothing but the truth, testified as follows:

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MR. STEIN: So whichever or both of you can respond. Did you prepare these exhibits?

MR. GIANDURCO: Yes, I did

MR. STEIN: Do you have any corrections to make at this time?

MR. GIANDURCO: No, I do not.

MR. STEIN: Do you adopt the exhibits as your testimony today?

MR. GIANDURCO: Yes, I do.

MR. STEIN: Is there anybody that objects to the submission of these exhibits as part of the record?

MR. McDERMOTT: Yes. The company will object to Exhibits 9 and 10 of the prefiled testimony of Stacy Tournas and the prefiled testimony of Gary and Jackie Azarian. They are listed as witnesses, but it does not appear they are present today. I did not verify that. But I don't believe Mr. Tournas can authenticate on behalf of those two witnesses. So, I ask they be moved to a limited appearance and not as a full exhibit.

MR. STEIN: They are not here today?

MR. GIANDURCO: No, they are not. Those are the two letters, correct.

1 MR. STEIN: Thank you.

2 MR. McDERMOTT: With that, no
3 further objections.

4 MR. STEIN: The remaining exhibits
5 are admitted. Now, we have cross-examination
6 starting with Mr. Mercier.

7 MR. MERCIER: Thank you. I just
8 have a couple of questions regarding the photos that
9 were submitted in the accompanying map. That was
10 response to interrogatories to you. I believe you
11 submitted the single photos on March 16th and then
12 again on March 19th accompanying the maps?

13 MR. GIANDURCO: Right.

14 MR. MERCIER: The photos at 274
15 Hawthorne Drive, I think there was four. The two
16 looks like they are from a lawn area, one maybe with
17 a swing set. Is that taken from the backyard of that
18 residence?

19 MR. GIANDURCO: Yes. From the back
20 right side of the house.

21 MR. MERCIER: That is a maintained
22 lawn area?

23 MR. GIANDURCO: Yes, it is.

24 MR. MERCIER: Looking at the
25 southside of the substation? There's two other

1 photos that were included in that set. It appears to
2 be again an unmaintained lawn area. I am not sure
3 -- explain what those other two photos were? What
4 location they were taken from? Excuse me.

5 MR. GIANDURCO: I would have to look
6 at those photos. You're referring to property 274?

7 MR. MERCIER: That is correct.

8 MR. GIANDURCO: Which photo is that?

9 MR. MERCIER: There's two. They
10 both show the dead end structures of the substation
11 with a brushy area in front so, I am not sure if it
12 is the existing right of way or from the lawn area.

13 MR. GIANDURCO: It's from the lawn
14 area. A lot of that brush has been disrupted somehow
15 by somebody as far as -- vegetation has been dying.
16 So, we are not sure if it is done by CL&P or UI.

17 MR. MERCIER: That brushy area, is
18 that under the power line right of way between the
19 substation and the lawn?

20 MR. GIANDURCO: I cannot honestly
21 answer that.

22 MR. MERCIER: I am going to move to
23 the next set of photos that was taken at 272
24 Schiller.

25 MR. GIANDURCO: Okay.

1 MR. MERCIER: Were these photos
2 taken from the right of way, the transmission right
3 of way between the lawn and the substation?

4 MR. GIANDURCO: They were taken
5 straight on from the house, the deck of the house
6 which is about one hundred feet away.

7 MR. MERCIER: Make sure I have the
8 right photos. Do these photos -- two of the photos
9 have a transmission structure in the view?

10 MR. GIANDURCO: Yes, they do.

11 MR. MERCIER: So, this is from the
12 back deck you were saying?

13 MR. GIANDURCO: From the backside of
14 the house, yes.

15 MR. MERCIER: Backside of the house.
16 Is it the lawn or the actual back deck? I thought
17 you said deck.

18 MR. GIANDURCO: The house is
19 situated -- it is a ranch with -- raised ranch.
20 There's a deck platform, so the pictures were taken
21 from the platform itself from the house, looking
22 straight back.

23 MR. MERCIER: Is the deck right next
24 to the transmission line power pole?

25 MR. GIANDURCO: The deck is about

1 150 feet away.

2 MR. MERCIER: The reason I am asking
3 is I am looking at the power pole in the photo which
4 it looks right next to it. I am trying to understand
5 where it was actually taken from on the property.

6 MR. GIANDURCO: I am trying to
7 visualize the property again. There's two poles back
8 there. I am not sure which one that is referring to.

9 MR. MERCIER: Okay. Those are the
10 only questions right now. Thank you.

11 MR. STEIN: Thank you. Dr. Bell?

12 DR. BELL: I have no questions Mr.
13 Chairman. Thank you.

14 MR. STEIN: Senator Murphy.

15 MR. MURPHY: Mr. Tournas, I believe,
16 as everyone else, you heard certain representations
17 made by the spokesmen to the panel. Changes,
18 vegetation, moving of the beds, so forth started
19 earlier today.

20 MR. TOURNAS: Yes, I did.

21 MR. MURPHY: Did you participate in
22 any discussions?

23 THE WITNESS: Yes.

24 MR. MURPHY: Has that alleviated any
25 of your concerns since these matter first came to

1 light?

2 MR. TOURNAS: Well, the first thing
3 the light issue, not being on all night, that was
4 discussed.

5 MR. MURPHY: Go ahead.

6 MR. TOURNAS: The eastside pole
7 facing one of the abutters will be moved in 100 feet.
8 The mask. And then three additional masks would be
9 put on the equipment on the eastside of the existing
10 station which would be, I think they mentioned -- I
11 am sorry, five feet. We are pretty much comfortable
12 with that. We still have an issue on the seven
13 additional lightning masks that will be put on the
14 modification. We have not heard even at the meeting
15 with UI why seven additional masks are still
16 necessary. So, we are not comfortable with that.

17 MR. MURPHY: You answered my second
18 question, what, if any, concerns you still have.

19 MR. TOURNAS: The seven masks.

20 MR. MURPHY: Anything else?

21 MR. TOURNAS: The distance of the
22 south fence towards the abutters' properties. Now,
23 they did mention on the eastside, they will move that
24 one in a few feet, but the proposed fence line on the
25 southside west will still remain, basically, 15 feet

1 in the abutters' property.

2 The other concern the neighbors have is
3 that additional light that will be on all night. We
4 do appreciate that is going to be lowered, however,
5 we don't see the necessity of that light being on all
6 night. We feel a motion detector, a card reader at
7 the bottom of that driveway would be sufficient to
8 turn on that light when needed.

9 The amount of times UI employees will be
10 visiting that site at night is very minimal. UI
11 already stressed that in our first hearing. So, we
12 do not foresee the necessity of having that light on
13 all night.

14 We did discuss the screening on the
15 southside. And we are happy to hear that UI is going
16 to do that for us.

17 MR. MURPHY: I assume they agreed to
18 go over there? They have a management plan?

19 MR. TOURNAS: Well, that was part of
20 what I was going to talk to them today because the
21 meeting was just two nights ago. And we would like
22 to have their contractor come with the -- see the
23 neighborhood and walk with the neighborhood and set
24 up a D&M plan for what type of trees, what type of
25 screening so we could get approval on that.

1 According to our meeting with UI, that would workout
2 pretty good. But the neighbors do want to
3 participate in that plan.

4 MR. MURPHY: Is there anything else?

5 THE WITNESS: We did mention because
6 of EMF issues -- you want to handle that?

7 MR. MURPHY: You will get your
8 chance. I am going to ask you the same questions.

9 MR. TOURNAS: That covers it.

10 MR. MURPHY: Thank you Mr. Chairman.
11 They tell me you can answer my question now so I
12 don't have to repeat it. Go ahead.

13 MR. GIANDURCO: Two other things did
14 come out of that meeting which was a very fruitful
15 meeting. UI was very forthcoming. And their efforts
16 to compromise were both much appreciated and sincere.

17 There were a couple of things that did come
18 up. We reiterated the fact that we are just not
19 certain that the number of masks, new and existing,
20 correspond to a rather small incremental increase in
21 the ground area of the site where the number of masks
22 triples. So it seems strange. But we do appreciate
23 their offer of moving the masks for example, the
24 largest. And we very much appreciate their offer of
25 lowering the masks from 70 to 55 feet. That is

1 great.

2 On the lighting issues, similar. We are
3 very pleased that they decided not to have what you
4 may call those highway type lights. Because we think
5 that is much more in keeping with the neighborhood.
6 That would be almost beyond urban, that would almost
7 be like stadium. But we do want to make sure there
8 was going to be one light on all the time, that there
9 would be no light trespass, for example.

10 I had a third concern that came directly
11 from our consultations at the meeting. UI personnel
12 reiterated their commitment to security and safety,
13 that is, for example, one of the reasons they are so
14 committed to having the number of lightning masks.
15 That commitment is, obviously, job one and that is
16 great. But they mentioned during the course of that
17 meeting there were concerns about trespass. We
18 talked about the dump -- Mr. Ashton talked about the
19 dump that was on the property. And there have been
20 trespassers on the property, young children from
21 outside the neighborhood go there to drink beer, so
22 forth. And they were concerned about that
23 certainly. And we felt that a chain link fence which
24 oftentimes as Mr. Ashton mentioned in the previous
25 hearing, those slats which give privacy, plastic

1 slats within the chain link that give a sense of
2 privacy, they often fall out so it becomes a clear,
3 open area again. So, it does not in anyway
4 camouflage or protect the site visibly.

5 So, it is our contention that in order to
6 meet these goals of enhanced security, and lack of
7 trespass and inability to scale the wall, it is our
8 feeling that a concrete wall on the southside, that
9 is on the areas that is closest to the residences, a
10 concrete wall would be more in keeping with those
11 goals of safety and security. So, that is something
12 we would like to enter into the record.

13 MR. MURPHY: Thank you.

14 MR. STEIN: Mr. Ashton.

15 MR. ASHTON: May I ask, first of
16 all, who attended the meetings a couple of nights ago
17 from the neighborhood? Was it a large group?

18 MR. GIANDURCO: Yes. I could go
19 through the names and give you a number.

20 MR. ASHTON: It was not just the two
21 of you? It was a whole mob?

22 MR. GIANDURCO: Approximately ten to
23 12.

24 MR. ASHTON: They were the main
25 abutters?

1 MR. GIANDURCO: Right. They were
2 the primary abutters.

3 MR. ASHTON: I am a little bit
4 concerned about this one street light here. Your
5 feeling it is a little unreasonable. You have street
6 lights in the neighborhood, don't you?

7 MR. TOURNAS: This light is going to
8 be more on the project.

9 MR. ASHTON: More on the what?

10 MR. TOURNAS: It's going to be on
11 the project, the property, not on the street.

12 MR. ASHTON: But street lights shine
13 on properties too.

14 MR. TOURNAS: Not the back.

15 MR. ASHTON: I'm sorry.

16 MR. TOURNAS: Not the back of
17 properties.

18 MR. ASHTON: On the front yard they
19 do, don't they?

20 THE WITNESS: On street level, yes.

21 MR. ASHTON: And you're somewhat
22 distance from it, is that not true?

23 THE WITNESS: From that light?

24 MR. ASHTON: Yes.

25 THE WITNESS: Well, we could see it

1 from the backyards of the abutters.

2 MR. ASHTON: I look out my bedroom
3 window and I can see lights all over the
4 neighborhood.

5 MR. TOURNAS: The abutters aren't
6 used to any lights being on back there. It's just a
7 way of life for them.

8 MR. ASHTON: You don't have them on
9 back porch lights or anything like that?

10 THE WITNESS: Well, they go on
11 motion. And that is what we are asking, there's a
12 motion detector when a car drives in.

13 MR. ASHTON: I need to understand a
14 little bit more about the concrete wall only on the
15 southside. The objective of that is what?

16 MR. GIANDURCO: As we discussed at
17 that meeting, there does seem to be fairly regular
18 trespass onto the property, onto the site. And also
19 there seems to be in areas where the existing chain
20 link fence is permeable. And has become so over
21 time. And also beyond the aesthetics, the fencing
22 that is being suggested which is chain link with a
23 sort of plastic slats which, therefore, gives some
24 elements of camouflage, those as you noted
25 previously, has been noted previously by yourself,

1 those have a tendency to deteriorate over time. So,
2 we were looking for something that would both enhance
3 the security of the site and at the same time be more
4 permanent.

5 MR. ASHTON: By permanent, you're
6 alluding to the plastic strips?

7 MR. GIANDURCO: Yes.

8 MR. ASHTON: Are you aware of the
9 dump on the southend of the site? I'm not sure it's
10 on UI property or abutters' property. I think it's
11 on abutters' property.

12 MR. TOURNAS: I have seen that.

13 MR. ASHTON: Is that on your
14 property?

15 MR. TOURNAS: No.

16 MR. ASHTON: It is on abutters'
17 property.

18 THE WITNESS: It is behind one of
19 the abutters' property. I don't know if it's UI or
20 the abutters' property.

21 MR. ASHTON: Looking at the exhibit
22 you put in, my recollection of where that dump was, I
23 would say it's not on UI property. I hope the word
24 would get out to clean your own crap up. And not
25 permit that kind of nuisance.

1 MR. TOURNAS: I saw somebody in
2 Meriden got fined \$219 for littering.

3 MR. ASHTON: Good. That is all.

4 MR. STEIN: Mr. Hannon.

5 MR. HANNON: Thank you, Mr.
6 Chairman. I just have one question. It ties in with
7 dialogue that this council has had with prior
8 applicants. And that is there are chain link fences
9 that have sort of a two-inch opening and there's some
10 that are smaller, I believe, about an inch and a
11 half, and that tends to be more of an anti-climb
12 fence. So, is that something that if that size fence
13 were proposed because it is more of an anti-climb
14 fence, that added maybe more security. Is that
15 something that the neighborhood would be okay with?

16 MR. TOURNAS: We would have to ask
17 the abutters or the neighborhood. They are very
18 concerned about the security of the station and as
19 well the EMFs and the sound. And they feel the
20 concrete wall would eliminate or reduce some of that
21 sound and as well as the EMFs because concrete would
22 reduce some of the EMFs that are floating out from
23 the station.

24 MR. HANNON: It's not necessarily
25 from a safety perspective but more for noise?

1 MR. TOURNAS: Correct.

2 MR. HANNON: No further questions.

3 MR. STEIN: Mr. Lynch.

4 MR. LYNCH: No questions.

5 MR. STEIN: Further
6 cross-examination by the applicant?

7 MR. McDERMOTT: Mr. Giandurco, you
8 offered, then Mr. Ashton said it wasn't necessary to
9 list out the residents that were in attendance in the
10 meeting. Would you be able to do that for us at
11 this point?

12 MR. GIANDURCO: I will do so with
13 the help of Mr. Tournas. I might forget somebody.
14 There was Mrs. Lebow, Azarian, Johnson, Tournas,
15 Aiken, Mrs. Boda. That was the group. Basically,
16 the abutters on the south side.

17 MR. McDERMOTT: When you say Tournas
18 Mr. Giandurco you're referring to --

19 MR. GIANDURCO: I'm sorry, Mr.
20 Arthur Tournas' son Jason. He's an abutter.

21 MR. TOURNAS: I do not live with
22 him.

23 MR. McDERMOTT: Was Jason Tournas'
24 wife also present?

25 MR. GIANDURCO: I believe, it is his

1 fiancée, Ms. Candace Aiken.

2 MR. TOURNAS: It's not his wife.

3 MR. McDERMOTT: In addition there
4 were members of the Town of Fairfield government
5 there. Mayor, chief of staff and others?

6 MR. TOURNAS: Yes. The chief of
7 staff Annette from Conservation, Mr. Lesser from the
8 Town of Fairfield.

9 MR. McDERMOTT: Following the
10 meeting, were there any residents that you spoke to
11 who weren't in attendance to make sure they were
12 comfortable with the people attending the meeting
13 were in agreement?

14 MR. GIANDURCO: Yes, we did through
15 emails. Also a meeting prior with the neighborhood.

16 MR. TOURNAS: I was not at that
17 meeting, but yes we did exchange e-mails about the
18 contents of that meeting.

19 MR. McDERMOTT: So when you said Mr.
20 Aikens or Senator Murphy's questions about items to
21 which you've agreed, when you say that, you're
22 speaking on behalf of the collective neighborhood, is
23 that true?

24 MR. TOURNAS: Yes, counselor.
25 Actually, it was abutters who were granted that

1 meeting by UI and they were the primary spokespersons
2 in terms of aesthetics and other issues and
3 aesthetics. And it was they who were grateful for a
4 lot of the concessions and wished for some of those
5 concessions to be stipulated.

6 Q And Mr. Tournas was Stacey Tournas informed
7 of the results of the meeting?

8 A Yes, she was.

9 Q And did she concur also?

10 A Well, she is still upset because she is an
11 abutter and that's what she wanted to be here. She
12 was never notified of the petition.

13 Q Was she notified of the meeting?

14 A Yes, she was.

15 Q And she elected not to come?

16 A Correct.

17 Q And she was notified of today's hearing?

18 A Correct.

19 Q No further questions. Thank you.

20 MR. STEIN: Thank you. Town of
21 Fairfield, do you have any questions?

22 MR. LESSER: No, Mr. Chairman.

23 MR. STEIN: You two gentlemen can go
24 back to the back.

25 THE WITNESS: Am I able to submit

1 some evidence and review it? Evidence that I
2 submitted?

3 MR. STEIN: I am not sure I
4 understand. In addition to the exhibits?

5 THE WITNESS: Yes.

6 MR. STEIN: No, you can't do it at
7 this stage. Tough enough getting the notes.

8 THE WITNESS: When would I be able
9 to submit that?

10 MR. STEIN: This is it. We
11 continued the hearing to give everybody an
12 opportunity to give whatever additional information
13 they wanted.

14 THE WITNESS: I thought I needed to
15 wait in turn to present the evidence which has
16 already been submitted.

17 MR. STEIN: But you have already
18 been cross-examined on these exhibits.

19 MR. TOURNAS: If I may, we have both
20 from the Chairman and there has been, for example, at
21 the beginning of this segment of the hearing, it was
22 decided two-pieces of evidence about abutting
23 notification not be allowed into evidence because of
24 the lack of an attendance of those two abutters. And
25 I believe that the question Mr. Tournas wishes to ask

1 relates to abutter notification. Since that has been
2 covered, can he mention it now.

3 MR. STEIN: That's already been
4 covered at a previous hearing. The Chair did not
5 make any -- did not make reference to any specific
6 abutters. The Chair also tried to be fair. The
7 chair would be taken to the woodshed at the end of
8 this hearing and is prepared to suffer whatever. But
9 that whatever -- that is part of our job being up
10 here. That issue has been -- when we finish this, I
11 will state that both the parties and intervenors can
12 submit briefs. So any evidence that you want to
13 submit as part of a brief to the Council, you that
14 may have the opportunity.

15 MR. TOURNAS: I am sorry. I didn't
16 understand all that. BUT what I submitted as
17 evidence is in evidence at this point except for the
18 two letters, correct?

19 MR. STEIN: What you submitted is in
20 evidence. Everything has been taken here by the
21 stenographer, so we are good. Again, I thank you
22 both of you. We now have the Town of Fairfield,
23 it's their turn to be cross-examined.

24 MR. GIANDURCO: Thank you very much,
25 Mr. Chairman, members of the council, the UI staff.

1 Thank you for allowing us to participate in this. We
2 wish you all the best.

3 MR. STEIN: Attorney Lesser. I
4 think you know the drill as far as your witnesses.

5 MR. LESSER: I only know what I
6 observed. So I assume you would like the witnesses
7 sworn?

8

9 W I L L I A M H U R L E Y ,

10 A N N E T T E J A C O B S O N ,

11 called as a witness, having first been
12 duly sworn to tell the truth, the whole truth and
13 nothing but the truth, testified as follows:

14

15 MR. HURLEY: Bill Hurley or William
16 Hurley, Engineering Manager for the Town of
17 Fairfield.

18 MS. JACOBSON: Annette Jacobson,
19 Conservation Administrator for the Town of Fairfield.

20 MR. LESSER: For the record, Mr.
21 Chairman, there are some exhibits for identification
22 and I don't know if you would like me to proceed
23 through them. I can for the record tell you that I
24 submitted for the record, we are talking about Roman
25 number numeral 4B. I submitted number one. I

1 submitted number two on behalf of Annette Jacobson.
2 That is her comments. I am not claiming the Town of
3 Fairfield Director Of Public Works comments, item
4 number three. He's not here. And really, they were
5 more in the nature of questions in any event. I am
6 not claiming those. The letter regarding
7 notification of the abutting property owners was
8 submitted by me based on research that I did. The
9 conservation comments dated March 17th were Ms.
10 Jacobson's. And we have the last number six, Town of
11 Fairfield comments from William Hurley dated
12 March 23, 2015.

13 Would you like me to question each one?

14 MR. STEIN: On the exhibits that
15 they were involved in, yes.

16 MR. LESSER: Ms. Jacobson, you
17 submitted comments dated December 5, 2014, and
18 March 5, 2015?

19 MS. JACOBSON: Yes, I did.

20 MR. LESSER: Are these your work?

21 MS. JACOBSON: Yes, they are.

22 MR. LESSER: They are true to the
23 best of your knowledge?

24 MS. JACOBSON: Yes.

25 MR. LESSER: Mr. Hurley, you

1 submitted comments dated March 23, 2015.

2 MR. HURLEY: Correct.

3 MR. LESSER: They are comments
4 prepared by you and true to the best of your
5 knowledge?

6 MR. HURLEY: Yes.

7 MR. STEIN: You're submitting those
8 for acceptance into the record; is that correct?

9 MR. LESSER: You're submitting those
10 for acceptance into the record?

11 MR. HURLEY: Yes.

12 MS. JACOBSON: Yes.

13 MR. STEIN: Any objection?

14 MR. McDERMOTT: No objection.

15 MR. LESSER: For the record, the
16 ones I presented I am also submitting.

17 MR. STEIN: I didn't hear any
18 objection. They are all submitted as part of the
19 record. Now cross-examination start with Mr.
20 Mercier.

21 MR. MERCIER: Ms. Jacobson, I just
22 have a question regarding your December 5, 2014
23 letter. The second page of the map that is attached.
24 Is this a wetland and watercourse map?

25 MS. JACOBSON: The aerial photo is

1 superimposed on a face map. That the wetlands and
2 watercourse map is -- has the information from the
3 official town wetlands map superimposed on an aerial
4 photograph.

5 MR. MERCIER: Now, looking at the
6 map on the right side, I see a dark blue kind of like
7 an oval thing in the residential area. Is that a
8 delineated wetland area?

9 MS. JACOBSON: The blue represents
10 inland wetlands soil.

11 MR. MERCIER: So, everything in the
12 interior of the outline is wetlands soils?

13 MS. JACOBSON: Yes.

14 MR. MERCIER: Now looking over
15 toward the left side of the map, it's not a stick,
16 but there's a blue line that appears north to south.
17 Is that a wetland line or watercourse line?

18 MS. JACOBSON: That would represent
19 a watercourse.

20 MR. MERCIER: Now, given that there
21 was a small wetland identified just north of the
22 subject parcel, I guess, my question is what is the
23 origin of the wetland and watercourse data and why
24 wasn't that small wetland delineated on your official
25 town map?

1 MS. JACOBSON: The blue area I think
2 we were talking to is on the other side of Courtland
3 Drive.

4 MR. MERCIER: There's a watercourse.
5 I'm talking about the watercourse. I just wanted to
6 know why there wasn't wetlands identified in that
7 area on your wetland and watercourse map. I see the
8 watercourse. I don't see any associated wetlands
9 with it.

10 MS. JACOBSON: This was not done by
11 a soil scientist. The town mapping is what we call a
12 Medium Intensity Soil Survey town-wide. So, when
13 each property comes in for development we expect to
14 get a site-specific certified soil scientist mapping
15 that would show the precise soil mapping. So, this
16 gives you a more general idea where wetland, soil and
17 watercourses would be. And we expect to get a
18 refinement of that mapping for each development
19 project. So, this would be an approximation of where
20 we would expect to find a watercourse or wetland
21 soil.

22 MR. MERCIER: Thank you. Just out of
23 curiosity, would you take UI's information and plot
24 this small webbing that was found on your database or
25 is there not enough information for the delineation

1 of it.

2 MS. JACOBSON: If we had an A-2
3 survey with a certified soil scientist flagging done
4 and a hundred scale map we could use that.

5 MR. MERCIER: I just have one other
6 question based on the diagram that UI submitted
7 today, their revised site plan which shows gravel
8 areas instead of previously proposed paved areas.

9 MS. JACOBSON: I haven't seen this
10 yet. Could you repeat your question.

11 MR. MERCIER: My question is, do you
12 have any concerns regarding runoff based on this new
13 map that shows more crushed stone and impervious
14 surfaces than what was originally proposed.

15 MS. JACOBSON: If you could just
16 give me a second. I do have concerns for runoff on
17 the property, because they are called capacitors -- I
18 am not sure of the terminology you use, but under the
19 structures, I believe they have to have concrete
20 supports. So, even though they are showing stone on
21 the surface, they are not showing that these would be
22 supported by concrete. So, those really wouldn't be
23 surface stone, they would be concrete. So, that
24 would not be pervious, they would be impervious. And
25 then where they are showing there would be crushed

1 stone, they provided calculations earlier testimony
2 that said there would be a .47 increase in runoff.
3 So I don't know that they have shown calculations to
4 show altogether what their runoff is on this site.
5 So I can't tell from this site if they are having an
6 overall zero increase in runoff, if they are still
7 proposing an increase in runoff. So, I can't exactly
8 answer that.

9 But they have also, when this site was
10 developed, they had impervious surfaces that weren't
11 addressed. So, from our conservation perspective we
12 don't look at it just from a zero increase
13 standpoint. Our standard is a ten-year
14 post-development storm relief at a two-year
15 pre-development rate.

16 We like to make up for past impervious
17 surfaces as well. And we do that for homeowners as
18 well as commercial and industrial development.

19 MR. MERCIER: Now, in regard to the
20 capacitor bank foundations under the gravel, wouldn't
21 be the water percolate around the foundation, go into
22 soil or do you think there's actually some type of
23 runoff stream off the property.

24 MS. JACOBSON: If it is on a
25 foundation we look at detaining all of the artificial

1 increase from that foundation area. It's not enough
2 to show that you have other surfaces on the site.
3 You would calculate for whatever the slab is and
4 provide detention for that area.

5 MR. MERCIER: And your primary
6 concern is runoff to the wetland to the north, is
7 that right or overall down the driveway into the
8 catch basins? What is the exact concern?

9 MS. JACOBSON: We would look -- if
10 this were not the Connecticut Siting Council and we
11 were reviewing it for a Fairfield inland/wetland
12 permit, we would look at the entire site and we would
13 require detention for the overall site. So we would
14 look at all of those areas.

15 MR. MERCIERE: Thank you. No other
16 questions.

17 MR. STEIN: Thank you. Dr. Bell.

18 DR. BELL: Thank you Mr. Chair. I
19 want to go back and review a couple of Mr. Mercier's
20 questions and your answers.

21 First of all the map that he was
22 discussing, the one you described as medium
23 intensity. Drawing what you are saying is that you
24 used this medium intensity screen, let's call it, for
25 a general understanding of the area and then as

1 individual projects come in with A-2 reviews, you
2 modify the medium intensity. You file the actual
3 surveys from property surveys somewhere in your
4 office. But you use them also to upgrade the medium
5 intensity screen?

6 MS. JACOBSON: We don't get to
7 modify the town-wide map. We have 180 individual
8 maps in our town-wide wetlands inventory, so we don't
9 get to update those so often, but we would keep the
10 onsite individual scientists maps and have those
11 available, but we don't update the medium intensity
12 ones so often.

13 The last time the 180 maps was updated was
14 1994. So, we don't get to do it as often, but we do
15 have those high intensity soil surveys available on
16 each property as they come in.

17 DR. BELL: So this map is basically
18 representing 1994 information?

19 MS. JACOBSON: Yes.

20 DR. BELL: Thank you. My other
21 question had to do with the two-year pre-application
22 --

23 MS. JACOBSON: Our standard is
24 ten-year post-development storm. Ten-year, 24-hour
25 post-development storm, detained and released at the

1 two year predevelopment rate.

2 The reason why we do that is because there
3 has been development in town long before there used
4 to be the standard of stormwater detention, before
5 there was the concept of stormwater detention.

6 And our conservation commission felt that
7 it wasn't enough to do what other boards consider a
8 zero increase, that they had to go a little better
9 than zero increase and runoff. And to make up for
10 that, and because geologically speaking the major
11 factor that forms most stream channels and river
12 channels was the two-year storm. That was the
13 criteria they came up with.

14 MR. STEIN: How do you define in
15 this case predevelopment? Was it before anything was
16 developed or are we just talking about whatever
17 additional is going on?

18 MS. JACOBSON: When it's the
19 commissions decision, sometimes they look at the site
20 with no development on it. Sometimes they look at
21 with reasonable development. Sometimes it's the
22 commission's decision. It depends sometimes on how
23 much new development is happening on a site. They
24 might consider a site if somebody is demolishing
25 something and starting again; they would look at it

1 as a completely undeveloped site. Sometimes they
2 just look at it as all the new impervious surfaces.
3 So, sometimes there's a little bit of discretion in
4 that.

5 DR. BELL: That finishes up my
6 questions also Mr. Chairman. Thank you.

7 MR. STEIN: Mr. Ashton.

8 MR. ASHTON: Just to follow-up a
9 little bit. In the case of Hawthorne substation
10 which is circa 50 years old, what is predevelopment
11 in this case?

12 MS. JACOBSON: Well, all we were
13 recommending in this case was that they detained for
14 the increase in impervious surfaces. We were not
15 going back to detain for the existing substation.
16 All we were saying was that they had to detain for
17 anything new that they were going to propose with
18 this new expansion. But what they had shown us so
19 far is that they were not going to detain for the
20 concrete under the capacitors and for the expanded
21 driveway areas. They were proposing a .47 percent
22 increase. They were not showing any subsurface
23 detention, they were not showing rain gardens, they
24 were not showing porous pavement, they were not
25 showing detention in any way, shape or form. And in

1 both of these comments in December and March we felt
2 that that was not appropriate.

3 MR. ASHTON: Have you looked at the
4 so-called new drawings which is dated September 14th,
5 but it has obviously been tinkered with since.

6 MS. JACOBSON: Without having
7 calculations --

8 MR. ASHTON: I understand. Have you
9 looked at it?

10 MR. STEIN: I will say that it is
11 unfortunate this map just arrived this morning. It's
12 really not fair.

13 MR. LESSER: We also have our town
14 engineer.

15 MR. McDERMOTT: I will say it was
16 discussed at the town meeting last week and it was
17 presented then. Ms. Jacobson was present there. She
18 did not see the map, but the map resulting in the
19 reduction was discussed at that meeting.

20 MR. LESSER: It was discussed.
21 Rather than impervious surface they were going to use
22 crushed stone which is pervious, but we did not see
23 that map at that time.

24 MR. ASHTON: Okay. So, you were
25 generally aware of the map without getting into

1 square feet, square inches and what have you, you
2 were aware of it? Fair enough?

3 MS. JACOBSON: Yes.

4 MR. ASHTON: And you're aware also
5 they said they were going to move the fence line
6 little bit, knock off the corners and things like
7 that?

8 MS. JACOBSON: Yes. But moving the
9 fence line does not mean that they are moving other
10 paved areas.

11 MR. ASHTON: One thing at a time.
12 Insofar as a crushed rock surface is provided, does
13 that -- retard runoff compared to runoff from a
14 grassed area?

15 MS. JACOBSON: Yes, it can. But we
16 don't usually count that because people in Fairfield,
17 anything that is gravel or stone we assume in the
18 future that that is going to be paved because we
19 can't be big brother out there and people can go and
20 pave it without checking with the town.

21 MR. ASHTON: Let's take it one step
22 at a time. Unpaved crushed stone surface would
23 retain water better than a grass surface, is that
24 fair to say?

25 MS. JACOBSON: You are asking is it

1 porous?

2 MR. ASHTON: Yes.

3 MS. JACOBSON: Yes.

4 MR. ASHTON: Okay. So, in that
5 regard at least in one area or two areas, I guess,
6 where they have it crushed rather than the present
7 grass area, we are ahead of the game, is that fair to
8 say?

9 MS. JACOBSON: There are
10 coefficients of runoff. You are you asking me is
11 grass better than crushed stone?

12 MR. ASHTON: No. My question was
13 just the reverse. Doesn't crush stone tend to retain
14 water, slow it down more than grass does?

15 MR. LESSER: Perhaps Mr. Hurley can
16 answer that question.

17 MR. HURLEY: Typically on runoff
18 curves for terms of runoff, grass is better than the
19 crushed stone because you're just telling with the
20 first inch of surface runoff. However, crushed stone
21 does have some sort of infiltration or storage
22 capabilities.

23 Typically you use about a forty percent
24 void ratio. It does show an improvement regarding
25 that. The key component there would be typically,

1 many people if they have gravel driveways after ten
2 years constantly going back and forth --

3 MR. ASHTON: We are not talking
4 gravel driveways here. We are not talking ten years.
5 We are talking with a crushed stone ala substation
6 type of approach. Which does not compact that much,
7 does it?

8 MR. HURLEY: If it does not compact,
9 yes.

10 MR. ASHTON: If the grass area is
11 used as a parking lot, it would tend to be compacted.
12 Insofar as it is compacted runoff is accelerated
13 rather than retarded.

14 MR. HURLEY: If they were going to
15 park vehicles on grass versus crushed stone, yes
16 you're correct.

17 MR. ASHTON: If they park it on a
18 grass area versus a grass area that's not parked on,
19 the parked on area is more susceptible to accelerated
20 runoff and less percolation?

21 MR. HURLEY: Absolutely correct.

22 MR. ASHTON: So in that regard, in
23 the northeast portion of the site there's a
24 relatively large area marked "proposed pavement to be
25 replaced with crushed stone 5600 square feet". So

1 that would be an improvement over a paved area, would
2 it not?

3 MR. HURLEY: Correct.

4 MR. ASHTON: And insofar as over to
5 the left on that, to the west of the substation
6 control building, they removed pavement 1385 square
7 feet. That would be a plus, would it not?

8 MR. HURLEY: Yes.

9 MR. ASHTON: The foundations for the
10 capacitors are not marked by area, but what would you
11 expect? Wouldn't they be probably less than the
12 pavement to be removed?

13 MR. HURLEY: I don't follow your
14 question.

15 MR. ASHTON: I will let it go.
16 Those are my questions. Thank you.

17 MR. STEIN: Mr. Hannon.

18 MR. HANNON: Thank you Mr. Chairman.
19 I have no questions.

20 MR. LYNCH: No questions Mr.
21 Chairman.

22 MR. STEIN: Mr. McDermott, the
23 applicant.

24 MR. McDERMOTT: Just a
25 clarification question. Ms. Jacobson, you said there

1 was a 20 percent increase in the runoff coefficient?

2 MS. JACOBSON: I don't think I said
3 that.

4 MR. HURLEY: The one thing she did
5 say was .47. I think she did say the term percent,
6 but I think in the record it was .47 CFS.

7 MR. McDERMOTT: Thank you. No
8 further questions.

9 MR. ASHTON: One further question I
10 forgot to ask. Ms. Jacobson, you mentioned you treat
11 a crushed stone area -- not as crushed stone, but in
12 the future it could be paved, is that fair to say?

13 MS. JACOBSON: Yes.

14 MR. ASHTON: Have you encountered
15 any substations, ever, that were crushed stone when
16 they were built, that have been subsequently paved?

17 MS. JACOBSON: No, this is the only
18 substation.

19 MR. ASHTON: Thank you.

20 MR. STEIN: Mr. Tournas and Mr.
21 Giandurco, I don't know if you have any questions for
22 the Town of Fairfield. If you do, please come up and
23 use the standup mic.

24 MR. GIANDURCO: I don't believe I
25 have any questions at this time.

1 MR. STEIN: Thank you.

2 MR. GIANDURCO: You caught me off
3 guard. I didn't know I have to do that.

4 MR. STEIN: You don't have to.

5 MR. TOURNAS: No, I don't believe I
6 have any questions at this time. Thank you.

7 MR. STEIN: I understand the
8 petitioner has redirect or rebuttal.

9 MR. McDERMOTT: Thank you. Could I
10 ask for a ten-minute recess? I would like to
11 conference with the panel just to make sure there is
12 no other redirect testimony in light of the cross.

13 MR. STEIN: It is 3 o'clock. Ten
14 minutes after three we will be back.

15 (At which time the proceedings went
16 off the record.)

17 (After a recess off the
18 record, the following occurred.)

19 MR. STEIN: We will now continue
20 with any redirect.

21 MR. McDERMOTT: Thank you Mr.
22 Chairman.

23 Mr. Katreczko, during the first hearing Mr.
24 Mercier asked you to confirm the details of erosion
25 control measures around the perimeter of the project

1 site and whether it was one row of protection or two.
2 Have you had a chance to do that and what is your
3 response?

4 MR. KATRECZKO: Yes. I have had a
5 chance to confirm and there's going to be one row of
6 fencing around the perimeter. That is not to say we
7 can't have an combination of hay bails if the
8 conditions dictate.

9 MR. McDERMOTT: Thank you. Mr.
10 Cloud, Mr. Ashton asked you at the first hearing and
11 there was some discussion again today about the
12 number of lightning masks. I wonder if you clarify
13 what the proposed number was as well as what the
14 company's current proposal is and why?

15 MR. CLOUD: There are six lightning
16 masks in the proposed addition to the westside of the
17 property as well as one additional mask to the east
18 side.

19 However, UI has listened to the concerns
20 during the public meeting and the previous day of
21 hearings and have looked at the ability to reduce the
22 height of those lighting masks to 55 feet from
23 70 feet which can be accommodated with the addition
24 of one additional mask on the westside of the
25 capacitor bank.

1 MR. McDERMOTT: Thank you. Also Mr.
2 Ashton asked about the reduction in the size of the
3 the proposed mesh fence around the perimeter of the
4 substation, do you recall that?

5 MR. CLOUD: Yes.

6 MR. McDERMOTT: And I believe, he
7 was discussing the one and one quarter inch mesh.
8 Has the company had a chance to analyze that concept?

9 MR. CLOUD: Yes.

10 MR. McDERMOTT: And what is your
11 response?

12 MR. CLOUD: So, the company did take
13 that as an action item from the last hearing and
14 investigated the use of the one and a quarter inch
15 mesh. The 1 1/4 inch mesh can be installed, however,
16 it does not -- the proposed slats will not work with
17 a 1 1/4 inch smaller mesh size, they work with the
18 two inch mesh which is currently proposed. And for
19 physical security and visual screening of the
20 critical equipment, UI is proposing the use of the
21 opaque slats which are a zippered or wing slat type
22 which is different than -- commonly referred to
23 slats, which is a smooth tube that is slid down
24 through the mesh. These slats have a reinforced tube
25 and then perforated wings on both sides to interlock

1 to opposing slats as well as interlock to the mesh of
2 the fence providing additional screening and holding
3 power.

4 MR. McDERMOTT: And Mr. Cloud, what
5 type of analysis did the company do to determine
6 whether or not the slats would fit into the smaller
7 mesh fence?

8 MR. CLOUD: UI reviewed not only the
9 slats that are currently evaluated, but also looked
10 at alternate manufacturers to see if there were any
11 alternative slats, opaque fencing slat designs that
12 would work with a smaller 1 1/4, or one inch mesh
13 size. However, we were unable to locate anything
14 that would work with that smaller mesh size.

15 MR. McDERMOTT: Thank you. There
16 was comment today by Mr. Tournas regarding a concrete
17 wall to be constructed around the southside of the
18 substation. Do you recall that testimony Mr.
19 Rossetti?

20 MR. ROSSETTI: I do recall that.

21 MR. McDERMOTT: And has the company
22 undertaken an analysis of that idea and do you have a
23 response to that idea?

24 MR. ROSSETTI: We did take a look at
25 putting a wall in on the southside of the property.

1 At this time we are not proposing to put a wall on
2 the southside. The cost definitely outweighs the
3 benefit of putting a wall in on the southside. And
4 we feel the security provided by the 14-foot high
5 mesh fence with the screening is adequate for our
6 needs at this time.

7 MR. McDERMOTT: And what height was
8 the proposal of the residents for the concrete wall?

9 MR. ROSSETTI: They were proposing a
10 28-foot tall fence -- I mean wall. And what we
11 looked at was a 17-foot wall.

12 MR. McDERMOTT: I acknowledge our
13 EMF expert is not here. But there was a question at
14 the last hearing which we are prepared to answer.
15 And with the Council's indulgence, I think we can do
16 it without needing her which was to confirm whether
17 the EMF study considered the Council's best
18 management practices for EMF. And we did reach out
19 to Dr. Williams and Mr. Rossetti can comment on that
20 for the record.

21 MR. ROSSETTI: Ms. Williams did
22 comment that to the extent possible it did follow the
23 Council's best management practices as it applies to
24 substations. I know some of the content in the best
25 management practices also talks to transmission right

1 of ways. So, obviously when it talks about center
2 lines to transmission right of ways, that would not
3 be included, obviously. This is substation project.

4 MR. CLOUD: Let me expand on that
5 little bit as well. So, one of the portions of the
6 best management practice that we did follow or
7 specifically the load levels that the best management
8 practices recommends we would be using to evaluate
9 the magnetic and electric fields such as peak and
10 average load periods.

11 In addition, we also used the best
12 management practices for evaluating the existing
13 electric and magnetic fields so far as taking the
14 measurements at a meter above the ground, so we
15 followed those guidelines as applicable to
16 substations.

17 MR. McDERMOTT: Thank you. Mr.
18 Katreczko, Mr. Hannon asked you about the washout
19 areas and which ones will be self-contained and which
20 ones are only for construction. Do you recall those
21 questions?

22 MR. KATRECZKO: Yes. And in the
23 narrative of the report, it mentioned too, in fact,
24 there's just going to be one wash out area to the
25 east of the control building and that one will be

1 completely self-contained. Down by the
2 ingress/egress to the substation will be just a
3 typical stone tracking pad.

4 MR. McDERMOTT: I would like our
5 wetlands experts up here for a second. I would like
6 to ask Ms. Lesay and Huebner a few questions.

7 You both are familiar with the efforts to
8 map and identify wetlands in the project area,
9 correct?

10 MS. HUEBNER: That is correct.

11 MR. McDERMOTT: Would you each
12 identify how many years of professional wetlands
13 experience you have?

14 MS. LESAY: I have 20 years of
15 experience.

16 MS. HUEBNER: I have five.

17 MR. McDERMOTT: Within your
18 collective 25 years of experience, did you conduct
19 your analysis of the wetlands area as you have done
20 throughout your career?

21 MS. LESAY: Yes.

22 MS. HUEBINER: Yes.

23 MR. McDERMOTT: And are there
24 typical standards or guidelines you follow when
25 conducting your analysis in the field?

1 MS. HUEBINER: Yes.

2 MR. McDERMOTT: What is it or what
3 are they?

4 MS. HUEBINER: We follow the '87
5 manual and U.S. Army Corp of Engineers, the North
6 Central-Northeast guidelines and the State of
7 Connecticut guidelines.

8 MR. McDERMOTT: And did the work
9 that you conducted on this project conform with all
10 those guidelines?

11 MS. HUEBINER: Yes.

12 MR. McDERMOTT: Is there anything
13 else you wish to add about your analysis and work you
14 did in the field on this project?

15 MS. HUEBINER: We did visit the site
16 again this April and we did see the area of concern.
17 And the soil was not considered hydrated, therefore,
18 it's not a wetland.

19 MR. McDERMOTT: I think that is it
20 for me, the redirect Mr. Chairman. Thank you.

21 MR. STEIN: I gather you also want
22 to have a rebuttal?

23 MR. McDERMOTT: No, thank you.
24 I'll pass and I will save it for the break.

25 MR. STEIN: Before closing this

1 hearing, the Siting Council Council announces that
2 briefs and proposed findings of fact will be filed
3 with the Council by any party or intervenor no later
4 than May 26th of this year. The submission of briefs
5 or proposed findings of fact are not required by this
6 Council, rather we leave it to the choice of the
7 parties and intervenors.

8 Anyone who has not become a party or
9 intervenor, but who desires to make his or her views
10 known to the Council, may file written statements
11 with the Council within 30 days of the date hereof.

12 The Council will issue draft findings of
13 fact and thereafter parties and intervenors may
14 identify errors or inconsistencies between the
15 Council's draft findings of fact and the record;
16 however, no new information, no new evidence, no
17 argument and no reply briefs without our permission
18 will be considered by the Council.

19 Again, copies of the transcript of the
20 hearing will be filed in the Fairfield and Easton
21 Town Clerk's Offices.

22 I hereby declare this hearing adjourned.
23 Thank you for your participation. Drive safely.

24 (At 3:25 the hearing was adjourned.)
25

1 STATE OF CONNECTICUT)

2) ss:

3 COUNTY OF HARTFORD)

4 I, Robert Miller, a Notary Public, do
5 hereby certify that the above hearing was recorded
6 stenographically pursuant to Notice by me and reduced
7 to printed form by me.

8 I FURTHER CERTIFY that the foregoing
9 transcript of the said hearing is a true and correct
10 transcript of the testimony given by the said
11 witnesses at the time and place specified
12 hereinbefore.

13 I FURTHER CERTIFY that I am not a relative
14 or employee or attorney or counsel of any of the
15 parties, nor a relative or employee of such attorney
16 or counsel, or financially interested directly or
17 indirectly in this action.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand and seal of office at East Hartford, Connecticut,
20 this day of , 2014.

21

22

(SEAL)

23 Robert Miller, Notary Public

24

25 My Notary Commission Expires
April 30, 2014

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