



HADDAM QUARTER SOLAR, LLC

**APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE CONSTRUCTION, OPERATION AND
MAINTENANCE OF A
2.8 MW/AC SOLAR PHOTOVOLTAIC PROJECT OFF JOHNSON LANE IN
DURHAM, CONNECTICUT**

JULY 9, 2021

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
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 APPLICATION FOR A CERTIFICATE OF : DOCKET NO. ____
 ENVIRONMENTAL COMPATIBILITY AND :
 PUBLIC NEED FOR THE CONSTRUCTION, :
 OPERATION AND MAINTENANCE OF A 2.8 :
 MW/AC SOLAR PHOTOVOLTAIC PROJECT :
 OFF JOHNSON LANE IN DURHAM, :
 CONNECTICUT : JULY 9, 2021

**APPLICATION FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. INTRODUCTION

A. Authority and Purpose

This Application and accompanying attachments (collectively the “Applications”) is submitted by Haddam Quarter Solar, LLC and wholly owned subsidiary of Louth Callan Renewable (“LCR” or “Applicant”), pursuant to Section 16-50k(a) and Section 4-176(a) of the Connecticut General Statutes (“CGS”) and Section 16-50j-38 *et seq.* of the Regulations of Connecticut State Agencies (“RCSA”), as amended. The Application requests that the Connecticut Siting Council (the “Siting Council”) issue a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a 2.8 megawatt (“MW”) alternating current (“AC”) ground-mounted solar photovoltaic (“PV”) facility on an approximately 49 acre parcel at 0 Haddam Quarter Road in the Town of Durham (“Town” or “Durham”), Connecticut (the “Project”). (*See Site Location Map included in Attachment 1*).

CGS § 16-50k(a) provides, in relevant part:

(a) Except as provided in subsection (b) of section 16-50z, no person shall exercise any right of eminent domain in contemplation of, commence the preparation of the site for, commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the council, have a substantial adverse environmental effect in the state without having first obtained a certificate of environmental compatibility and public need, hereinafter referred to as a "certificate", issued with respect to such facility or modification by the council. Any facility with respect to which a certificate is required shall thereafter be built, maintained and operated in conformity with such certificate and any terms, limitations or conditions contained therein.

As described more fully below, the construction, operation and maintenance of the proposed Project satisfies the criteria of CGS § 16-50k(a) and will not have a substantial adverse environmental effect.

B. The Applicant

LCR is a Connecticut limited liability company with an administrative office at 921 Thrall Ave, Suffield, CT 06078.

Correspondence and/or communications regarding this petition should be addressed to:

Ashley Cintron
921 Thrall Ave
Suffield CT 06078
Ashley@louthcallanrenewables.com
(860) 810-3563

A copy of all such correspondence or communications should also be sent to LCR's attorney:

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
kbaldwin@rc.com
(860) 275-8345

C. Application and Municipal Participation Fee

The estimated total construction cost for the Project would be less than \$5,000,000. Therefore, pursuant to Section 16-50v-1a(b) of the Regulations of Connecticut State Agencies, an application fee of \$1,250 accompanies this Application in the form of a check payable to the Council. In addition, a check in the amount of \$25,000 is hereby provided to be deposited in a Municipal Participation Account for use by the Town to defray expenses incurred if the Town elects to participate in this proceeding.

II. SERVICE AND NOTICE REQUIRED BY C.G.S. SECTION 16-50(b)

Copies of this Application have been mailed to municipal, regional, state and federal officials, pursuant to C.G.S. Section 16-50(b). A certificate of service, along with a list of the officials served with a copy of the Application, is included as Attachment 2.

Notice of LCR's intent to submit this Application was published on July 1 and July 2, 2021, in the Middletown Press pursuant to C.G.S. Section 16-50(b). A copy of the legal notice is included in Attachment 3. A copy of an Affidavit of Publication will be forwarded to the Council as soon as it is available.

Attachment 4 contains a certification that notice of LCR's intent to file this Application was sent to each person appearing of record as an owner of land that may be considered to abut the Property in accordance with C.G.S. Section 16-50(b), as well as a list of the property owners to whom such notice was sent and a sample notice letter, including attachments.

III. PROJECT DESCRIPTION

The Project will be developed on a portion of an approximately 49-acre parcel bounded on the south by Johnson Lane, on the north by Haddam Quarter Road and on the east and west

by low-density residential land uses, forested land, and agricultural fields in northeast Durham, Connecticut (the "Property"). The Property is owned by the Newton Family Trust Co. and is leased by LCR. A redacted copy of the Ground Lease Agreement LCR and the Newton Family Trust Co. is included in Attachment 5.

The northerly portion of the Property along Haddam Quarter Road and the southerly portion of the Property along Johnson Lane were most recently used for agricultural purposes (hay production). The Property is bisected by Hersig Brook. Eastern and central portions of the Property, particularly along Hersig Brook, are currently and will remain wooded and undeveloped. The Project will be developed on an approximately 10.9-acre portion of the Property, to the south of Hersig Brook and north of Johnson Lane (the "Project Area"). The northerly portion of the Property will not be developed as a part of this proposal. A set of detailed project plans is included in Attachment 6.

A. Site Selection

The site selection for the Project was based on a detailed evaluation of several key criteria including:

- Site suitability (solar resource size, grade and surrounding topography);
- Site availability (ability to lease or purchase land);
- Proximity to critical infrastructure (suitable electrical grid access);
- Compatibility with surrounding land uses.

Once the initial site evaluation was completed, LCR assessed potential effects of the Project on the environment and sensitive site resources, including but not limited to visual and

scenic resources, historic and archeological resources, wetlands and watercourses, water quality and water resources, rare and endangered species and air quality. Prior to the commencement of this process, LCR met with local officials in Durham and with property owners in the area near the Property to discuss the Project. As discussed in detail below, following this evaluation, LCR determined that the Property was suitable for development of the Project and that the Project will provide a significant benefit to the public and not have a significant adverse environmental effect.

B. Project Description

The Project will consist of the installation of approximately 7,434 465W PV modules, 22 125 kW solar inverters, two (2) pad-mounted switch gears, two (2) transformers and one (1) interconnection point to the Eversource electric distribution system. The Project will use a fixed tilt steel panel racking system attached to either pile-driven or ground screw foundations to allow for optimal utilization of the Project Area. Two separate access roads will extend into the easterly and westerly portions of the Project Area from Johnson Lane.¹

The Project Area will be surrounded by a seven (7) foot tall farm fence. If deemed necessary, the fence would also be designed to accommodate wildlife movement. A robust planting plan is being developed along the Johnson Lane frontage of the Property to soften visual impacts the Project may have along Johnson Lane.²

¹ Access driveway locations into the project area were modified at the request of the Town and several neighbors following the virtual public information meetings to avoid conflicts with existing residential driveways on the south side of Johnson Lane.

² As described in more detail below, the unique fence design and landscape screening along Johnson Road were offered by LCR in direct response to concerns raised by adjoining landowners to the south and member of the town's Planning and Zoning Commission.

The Project is expected to produce in excess of 4,735,000 Kilowatt-Hours (kWh) of energy in the first year of operation, enough energy to power 430 homes. Construction of the Project is expected to begin in the 2nd quarter of 2022 with mobilization of equipment and minor land clearing and grading efforts. Site work and land preparation is expected to be completed in the 2nd quarter, 2022 with construction and installation of the solar arrays and equipment to be completed in the 3rd quarter 2022. Final site stabilization, system testing, and commissioning of the proposed solar facility is expected to be completed by the 4th quarter, 2022. The Project's construction schedule is subject to change. At the end of its useful life, the Project will be decommissioned in accordance with the requirements of LCR's land lease agreement and the Decommissioning Plan included in Attachment 7.

C. Interconnection

Electrical interconnection for the Project will originate along the southerly side of Johnson Lane and extend approximately 170 feet to the southwest portion of the Project Area. (See Attachment 6, Sheet SP-1). The proposed interconnection will require the installation of four (4) new electric distribution poles in the westerly portion of the Project Area. The Project will interconnect to the Connecticut Light and Power Company d/b/a Eversource Energy ("Eversource") distribution system located on the south side of Johnson Lane.³

The interconnection facility design and construction will be performed in accordance with the Eversource Guidelines for Generator Interconnection and State of Connecticut, ISO-New England ("ISO-NE"), and Federal Energy Regulatory Commission ("FERC") requirements as applicable. As part of the interconnection process, LCR has successfully completed a utility-

³ Eversource will be responsible for all necessary permits/approvals (if any) for this interconnection construction.

sponsored Scoping Meeting, Interconnection Application Request and an Application Review, Impact Study, and has executed a Standard Fast Track and Study Process Generator Interconnection Agreement.

IV. PROJECT BENEFITS

The Project will generate much, if not all, of its power at peak times, when the demand for electricity is greatest, and will thereby provide the electrical system with flexible peaking capacity that is necessary to keep the electrical grid stable.

Further, the Project supports the State's energy policies as set forth in CGS § 16a-35k, including the goal to "develop and utilize renewable energy resources, such as solar and wind energy, to the maximum practicable extent." The Project will provide clean, renewable, solar-powered electricity and assist the State in meeting its legislatively-mandated obligations under the Renewable Portfolio Standard.

The Project will also assist the State of Connecticut in reducing greenhouse gas emissions and reducing criteria air emissions pollutants associated with the displacement of older, less efficient, fossil fuel generation. As part of larger state, national and global strategies, reductions in greenhouse gas emissions from this Project will have long-term secondary biological, social and economic benefits. Similarly, the advancement of renewable resources at the distribution level contributes to our Nation's desire for energy independence and reduces our dependency upon foreign countries where geo-political issues may not align with U.S. National policy.

V. MUNICIPAL CONSULTATION AND PUBLIC OUTREACH

Section 16-50I(e) of the Connecticut General Statutes, as amended, requires local input on matters before the Council. On January 26, 2020, LCR representatives contacted Durham First

Selectwoman, Laura Francis and informed her of its plans to develop the Project. As Project plans were developed, LCR and Ms. Francis continued to have several conversations about the Project, solar energy in Connecticut and the potential benefits the Project may have for the Town. On January 26, 2021, LCR provided First Selectwoman Francis with technical information about the Project to formally commence the Council's sixty (60) day municipal consultation process. At the request of Ms. Francis, LCR and its Project development team appeared (virtually) before a joint meeting of the Durham Planning and Zoning Commission, Inland Wetlands and Watercourses Agency and Board of Selectman on March 3, 2021. Notice of this Virtual Public Information Meeting ("VPIM") was published in the *Middletown Press* on February 12, 2021 and was sent to 21 landowners who either abut or own land near the Property. A list of the landowners notified of the VPIM, a copy of the notice letter sent to these landowners and a copy of the Legal Notice are included in Attachment 8.

During the March 3, 2021 VPIM, LCR described the Project and discussed the need and benefits of renewable energy to the community and the State of Connecticut. The VPIM was attended by approximately 80 people, including the LCR project team, municipal officials and member of the general public. LCR responded to questions and agreed to return for a second VPIM on April 22, 2021. The second VPIM, was hosted by the Durham Planning and Zoning Commission. LCR described modifications that would be made to the Project to address the concerns raised, including, but not limited to the relocation of the site access driveway, the use of an alternative fence design in keeping with the character of the area, the installation of landscaping along Johnson Lane and a reduction in the overall limits of disturbance for the Project.

Although not required, prior to filing the Application, LCR, as a courtesy, also provided

information about the Project to the Connecticut Department of Agriculture (“DoAG”) and the Forestry Bureau of the Connecticut Department of Energy and Environmental Protection (“DEEP”).

VI. NO SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECTS

LCR and its consultant, All-Points Technology Corporation (“APT”), conducted a comprehensive Environmental Assessment (the “EA”) of the Project dated June 2021. As part of this process, environmental resources on the Property were investigated, relevant agencies were consulted, potential environmental impacts were evaluated, and mitigation was applied as appropriate. A complete copy of the EA is included in Attachment 9.

A. Natural Environment and Ecological Balance

The Project Area is located in a mostly cleared and undeveloped portion of a larger parcel used, in part, for agricultural purposes (hay production). The layout of the solar arrays utilizes existing grades within the Project Area to the fullest extent possible in order to minimize the required amount of earth work. That said, some earth work will be necessary within the Project Area to control stormwater runoff and meet equipment layout requirements. Soil disturbance will also be required to install foundations for the PV panels, associated equipment, and site access roads. Panel foundations will be secured using a driven pile technology or ground screw foundations. All racking will be designed to meet applicable local building codes for wind and snow loads. The panels will be installed with adequate room above the ground to allow snow to melt or slide off.

Some hazardous substances may be required to be used or stored within the Project Area during construction or operation of the Project. Namely, gasoline or diesel-powered equipment

will be in regular use on the Property during construction activities, requiring some on-Property temporary fuel storage. Further, the inverter step-up transformers located at each equipment pad will use biodegradable oil for cooling purposes. Accordingly, an appropriate Spill Prevention, Control, and Countermeasure (SPCC) plan will be developed and incorporated into the Project's Site-Specific Operations and Maintenance ("O&M") Plan. A preliminary O&M Plan for LCR projects is included in Attachment 10).

B. Public Health and Safety

Overall, the Project will meet or exceed all health and safety requirements applicable to renewable electric power generation facilities in Connecticut. Each employee working on Site will:

- Receive required general and Site-specific health and safety training;
- Comply with all health and safety controls as directed by local and state authorities;
- Understand and employ a Project health and safety plan while on the Property;
- Know the location of local emergency care facilities, travel times, ingress and egress routes; and
- Report all unsafe conditions to the construction manager.

During construction, heavy equipment will be required to access the Project Area during normal working hours (7 a.m. to 7 p.m. Monday through Saturday) as needed. After construction is complete and during Project operations, minimal traffic is anticipated. For standard operations and maintenance activities, light-duty vehicles will visit the Project Area on a bi-monthly recurring basis, on average. The Facility will be remotely monitored and will have

the ability to remotely de-energize in the case of an emergency. No permanent staff is required for operation of the Project. The Facility will be enclosed by a seven (7)-foot tall fence. The entrances to the Facility will be gated, limiting access to authorized personnel only. All Town emergency response personnel will be provided access via a Knox padlock.

The Project will not produce significant noise during operation. While construction noise is exempt from State and local noise regulations, construction will be limited to normal working hours (7 a.m. to 5 p.m. Monday through Saturday). LCR does not anticipate that the levels of noise associated with the Project will exceed State or local noise standards. (See Attachment 9, Section 3.9).

Because the solar modules are designed to absorb incoming solar radiation and minimize reflectivity, only a small percentage of incidental light will be reflected off the panels. This incidental light is significantly less reflective than common building materials, such as steel, and the surface of a smooth water body. Additionally, the panels will be tilted up toward the southern sky at a fixed angle of 30 degrees, thereby further reducing reflectivity.

LCR submitted Project location information to the Federal Aviation Administration (“FAA”) and, on April 11, 2020, received a Determination of No Hazard to Air Navigation. Thus, the Project does not pose a hazard to air navigation and does not require further study. (See Attachment 9, Section 3.11, Appendix F).

Prior to operation, LCR will meet with municipal first responders to provide them information regarding response to emergencies at PV facilities, discuss industry best practices, and provide a tour of the Project Site.

C. Air Quality

Overall, the Project will have minor emissions of regulated air pollutants during construction, however no air permit is required for these activities. During construction of the Project, any air emission effects will be temporary and will be controlled by enacting appropriate mitigation measures (e.g., water for dust control, avoid mass early morning vehicle startups, etc.). Accordingly, any potential effects on air quality as a result of Project construction activities will be minimized. (See Attachment 9, Section 3.5).

During operation, the Project will not produce air emissions of any regulated air pollutants or greenhouse gases (e.g., PM10, PM2.5, VOCs, GHG or OzFarm). Therefore, no adverse effect on air quality is anticipated and no air permit will be required. Moreover, for the life of the Project, an off-set equivalent to approximately 3,356 metric tons of CO₂ annually, the same amount of carbon sequestered by approximately 55,486 seedlings grown for ten years or 730 cars being taken off the road is anticipated.⁴

D. Scenic and Recreational Values

No designated scenic roads or scenic areas are located near or impacted by the Project. Furthermore, no designated scenic roads or public recreation areas were found to be present in the area that would serve as potential observation points. (See Attachment 9, Section 3.8).

LCR will also maintain the substantial natural vegetative buffer surrounding a majority of the Project Area. Views into the developed portion of the Project will be limited and non-existent. These natural areas will help to reduce the potential for scenic impacts of the Project.

The Site is generally a mix of agricultural fields and wooded areas. The Property is generally cleared except for a narrow strip of vegetation along Johnson Lane. The anticipated

⁴ U.S. EPA Greenhouse Gas Equivalencies Calculator.

visibility of the solar arrays, in an area within a one-mile radius of the Property is limited almost entirely to the Project Area and the Property frontage along Johnson Lane. Potential seasonal views, when the leaves are off of the deciduous trees, could extend up to approximately 360 feet from the Project Area to the west, south and east. Predicted year-round visibility is estimated to include approximately 16 acres; predicted seasonal visibility of the proposed Facility is estimated to include an additional approximately 19 acres.

The Applicant has developed a landscaping/planting plan in response to feedback from municipal officials and members of the community. The Facility will be surrounded by a 7-foot tall farm style fence. Seven species of native trees and shrubs will be interspersed along Johnson Lane to provide visual interest and screening and to maintain the current unmanicured nature of the Property. The proposed plantings will replace non-native invasive species and provide food and habitat for birds and small animals. (Attachment 9, Section 3.12).

The nearest recreational areas located near the Property is Camp Farnam, a youth camp approximately ¼ mile to the south. The Cockaponset State Forest is located approximately 3/10 of a mile to the south. (See Attachment 9, Section 3.8 and Figure 4).

E. Historic and Archeological Resources

On behalf of LCR, Heritage Consultants LLC (Heritage) prepared a combined Phase 1-A and Phase 1-B Cultural Resource Survey Reports for the Project. One National Register of Historic Places property is located within one mile of but not proximate to the Project Area. The Project will have no direct impact on this existing property. Heritage determined that approximately 8.15 acres of the Project Area retains moderate potential for archeological deposits prompting the Applicant to move forward with the completion of a Phase 1-B study.

The combined Phase 1-A/Phase 1-B Cultural Resource Survey Report has been submitted for review to the State Historic Preservation Officer (SHPO). A response from the SHPO is pending. (Attachment 9, Section 3.7 and Appendix D).

F. Habitat and Wildlife

The habitats within the Project Area are as follows:

1. Cultivated Agricultural Field and Hayfield

A majority of the Project Area lies within the Cultivated Agricultural Field habitat, with a smaller component consisting of a mowed hayfield. LCR does not anticipate the Project will result in a significant alteration of the ground or agricultural soils in the Project Area and therefore it will not result in a significant negative impact to the Cultivated Agricultural Field and Hayfield habitats. (Attachment 9, Section 3.1.1).

2. Mixed Hardwood Forest

The Project will not encroach into and therefore will not impact any existing mixed hardwood forest habitat located to the north of the Project Area. No tree will need to be removed to develop the proposed solar generating facility itself. To limit shading of the solar arrays, some limited tree removal along Johnson Lane will occur. This activity will not result in an effect on this habitat. (Attachment 9, Section 3.1.1).

3. Wetlands

One (1) wetland area associated with perennial watercourse Hersig Brook was identified in the central portion of the Project Area. Development associated with the Project will have no direct impacts on wetlands or watercourses on the Property. The Facility maintains a minimum 50-foot buffer to wetlands with the majority of the Project's limits of disturbance being at least

80 feet from the nearest wetland areas. Construction activity will remain a minimum 150 feet from Hersig Brook. The nearest construction activity to the wetland areas bordering Hersig Brook would occur in the eastern end of the Project Area, where proposed temporary sediment traps are approximately 35 feet at their closest point. (Attachment 9, Sections 3.1.1 and 3.3).

G. Water Quality

The Project will use no water during operations in the production of electricity. Any water utilized during the construction of the Project for dust suppression will be minimal and have no impact on the water quality near the Property. The Project will comply with CT DEEP's water quality standards. Once operative, the facility will be unstaffed, and no potable water uses, or sanitary discharges will occur. The panels proposed for use in the Facility do not contain GenX and PFAS chemicals, and those chemicals are not used in the manufacturing process. (*See Exhibit G, Appendix B*). No liquid fuels are associated with the operation of the Facility. Stormwater generated by the proposed development will be properly handled and treated in accordance with the 2004 Connecticut Stormwater Quality Manual and Appendix I. (*See Attachment 9, Section 3.4*). The Project Area is mapped on FIRM PANEL #09007C0207G, dated August 28, 2008. Based upon the reviewed FIRM Map, the proposed Project Area is located in an area designated as unshaded Zone X, which is defined as areas of minimal flooding, typically above the 500-year flood level. (Attachment 9, Section 3.3.3).

H. Stormwater Management

The Project has been designed to meet the 2004 Connecticut Stormwater Quality Manual and 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, and Appendix I of DEEP's Stormwater Management at Solar Array Construction Project requirements.

(Attachment 9 Section 3.4.3).

1. **Consistency with Local Land Use Controls**

The Council Application Guide for Electric Generating Facilities, as amended in April 2010, requires the inclusion of a narrative summary of the project's consistency with the Municipality's Plan of Conservation and Development (the "Plan"), Zoning Regulations, and Wetlands Regulations as well as a description of planned and existing uses of the site location and surrounding properties.

2. **Planned and Existing Land Uses**

The Project would be located on an approximately 49-acre parcel owned by the Newton Family Trust Co. The Property is zoned for Farm Residential (FR) and has historically been used for agricultural purposes. The Property is surrounded by low-density residential and agricultural land uses.

3. **Plan of Conservation and Development**

The Town of Durham Plan of Conservation & Development (the "Plan"), (effective August 1, 2016), clearly indicates the Town's support for the development of renewable and alternative energies in Town. The Plan states that the Town should continue its efforts to identify a suitable location for the installation of a large-scale solar facilities that would allow the Town to take advantage of virtual-net metering revenues, which would offset the cost of the electricity used by the town's municipal buildings. (Plan – Section 9.3)

4. **Zoning Regulations**

According to the Durham Zoning Map (effective November 1, 2009), the Property is located in the Farm Residential (FR) zone. "Solar generating facility" is not a use identified as

are permitted or prohibited in the FR zone subject.

5. Inland Wetlands and Watercourses Regulations

The Durham Inland Wetlands and Watercourses Regulations (“Wetlands Regulations”) define Regulated Activity as any operation within or use of a wetland or watercourse or any upland area within 100 feet from a wetland, involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses. Four (4) copies of the Durham Wetlands Regulations were filed, in bulk, with the Council. The Applicant has completed a thorough wetlands investigation to assess and evaluate potential impacts of the proposed facility. See Attachment 9, and Section VI.F.3. above.

VII. CONCLUSION

Based on the facts contained in this Application, LCR submits that the Project will have a public benefit and will not have a substantial adverse environmental effect. LCR therefore respectfully requests that the Council approve the Application for a Certificate of Environmental Compatibility and Public Need for the proposed LCR solar facility.

Respectfully submitted,

**HADDAM QUARTER SOLAR LLC
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By 

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