

PETITION NO. 1056 - GRE 314 East Lyme, LLC petition for a } Connecticut
declaratory ruling that no Certificate of Environmental }
Compatibility and Public Need is required for the proposed } Siting
construction and operation of a 5.0 MW Solar Photovoltaic }
Renewable Energy Generating Project located on Grassy Hill } Council
Road and Walnut Hill Road, East Lyme, Connecticut.

May 16, 2013

Opinion

On December 12, 2013, GRE 314 East Lyme, LLC (GRE) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (Certificate) is required for the construction and operation of a 5.0 megawatt (MW) Solar Photovoltaic Generating facility located at Grassy Hill Road and Walnut Hill Road in East Lyme, Connecticut. GRE refers to the project as the “Antares Solar Field.”

The project would be a “grid-side distributed resources” facility, as defined in Connecticut General Statutes § 16-1(a)(43). It was submitted in response to a Request for Proposal (RFP) for zero emission Class I renewable energy source generation facilities issued by Connecticut’s Department of Energy and Environmental Protection (DEEP) in December, 2011. DEEP’s RFP was issued in accordance with the requirements of Section 127 of Public Act 11-80, *An Act Concerning the Establishment of the Department of Energy and Environmental Protection and Planning for Connecticut’s Energy Future*.

GRE’s project would consist of the installation of up to 17,500 solar photovoltaic (PV) panels and associated ground equipment on a 75-acre property located south of Grassy Hill Road and east of Walnut Hill Road. The property is comprised of five contiguous parcels that are owned by GRE. It consists of a mix of woodlands, wetlands, and old field areas and was the site of an approved subdivision that never went forward.

With the exception of an occupied single-family home on the #40 Grassy Hill Road parcel, the property has not been in use since 2008. An abandoned home known as the “Tinker House” is located on the #89 Grassy Hill Road parcel. Existing access is from one of three points: a driveway at 40 Grassy Hill Road, a driveway at #89 Grassy Hill Road, and a dirt access drive adjacent to #65 Walnut Hill Road that enters the southern portion of the property.

Land use to the north, south and east is a mix of fields and woodlands. Developed residential properties abut the site to the west. GRE donated an approximate 22-acre portion on the east side of the property to the East Lyme Land Trust in 2007. The donated land is east of the wetland corridor that traverses the property and is accessible to the public by an easement.

The project area, including the solar field and associated drainage improvements, would be located on 35 acres of the western portion of the property. Associated project equipment includes eight inverters, a maintenance/office/educational building, and solar field access roads. The solar field would be enclosed by a six-foot high chain link fence on the north, south and east sides and a six-foot high stockade fence installed on the west side. The project would be interconnected to the Connecticut Light & Power (CL&P) distribution network at an existing 23-kV distribution feeder located along Walnut Hill Road. A final interconnection study is under development.

During construction, GRE proposes to access the site by extending the existing driveway serving the Tinker House at #89 Walnut Hill Road. The extended driveway would head uphill behind the house to the central portion of the solar field site, reaching a maximum grade of nine percent. Although an existing driveway exists at the south end of the parcel, adjacent to #65 Walnut Hill Road, the grade of this road reaches 12-14 percent, potentially causing maintenance issues if used by large trucks. Additionally, this existing drive traverses a narrow corridor of land before reaching the solar field site; thus its regular use during construction could negatively affect abutting property owners as it is close to neighboring properties, one of which is only 95 feet away.

After the project is constructed, GRE proposes to use the existing access drive adjacent to #65 Walnut Hill Road as the permanent access road. Proposed improvements to this road include brush clearing, minor grading and some resurfacing.

Although the Council is satisfied that use of the project site access road adjacent to #65 Walnut Hill Road would not present a drainage or security issue, the Council is concerned that use of this existing drive would be a disruption to area neighbors on account of its associated narrow land corridor. Furthermore, the drive is steep, posing a potential hazard to buses using the drive to access the educational center. Therefore, the Council will order GRE to use the existing driveway at 40 Grassy Hill Road for construction access and for permanent use. The Council finds this alternative offers the greatest buffer to adjacent residences and is the least steep of the three potential access drives, providing easier access for trucks, emergency response equipment, and buses.

Approximately 20 acres of the solar field site consist of old field areas, mainly on the 44 Grassy Hill Road and Walnut Hill Road Rear portions of the property. The remaining 15 acres consists of woodland on the Ader parcel. The wooded portion contains few significant trees, an indication that it was once cleared for agriculture. Once cleared, the site would be graded with a slope from west to east to direct runoff and stormwater into a series of detention basins, berms, and drainage swales before controlled discharge towards the wetland corridor on the property. Preliminary grading plans includes no import or export of on-site soil but rather moving earth at the site to create a level surface for the solar panel mounting equipment. The Council is concerned about the high embankments along the west edge of the solar field, particularly where they abut adjacent properties, and thus will seek to reduce the scale and distance of the embankments to adjacent property lines during review of the Development and Management (D&M) Plan.

GRE has developed a Stormwater Operations and Management Plan that prescribes inspections of drainage features at regular intervals. The project would require a DEEP general permit and stormwater pollution control plan as part of its permit process. The solar field area would be planted with no-mow grass or woodchips obtained from the clearing of the 15 acres of woodland on the site. Other seed-mixes would be sown in disturbed areas outside the solar field to enhance wetlands, wildlife, and provide erosion control. GRE intends to use herbicides only on an as-needed basis. No other chemicals would be used at the site.

The project would have no adverse environmental effect on air or water quality. Project construction would maintain a 100-foot setback to on-site wetlands. Development of the site would not affect any state or federal endangered or threatened species, or species of special concern. No historic properties would be affected by the project, including the Tinker House, located adjacent to the construction access road. GRE is performing an additional archeological survey on the property, per the request of the State Historic Preservation Office, and would incorporate any relevant findings or recommendations into the D&M Plan.

The project would have limited visual impact on surrounding properties, as it would be screened by wood stockade fencing, landscaping where appropriate, and existing vegetation. The solar panels are not expected to produce glare to surrounding areas.

Based on the record in this proceeding, the Council finds that there would be no significant adverse environmental effect associated with the construction of a 5.0 MW Solar Photovoltaic Project on Grassy Hill Road and Walnut Hill Road in East Lyme, Connecticut. Furthermore, this proposed solar project would increase “the use of clean energy and technologies that support clean energy” in accordance with Section 1 of Public Act No. 11-80: *An Act Concerning the Establishment of the Department of Energy and Environmental Protection and Planning for Connecticut’s Energy Future*. In addition, the Project would meet all applicable U.S. Environmental Protection Agency and DEEP Ambient Air Quality Standards and Water Quality Standards, and would be consistent with the state’s energy policy as stated in C.G.S. § 16a-35k (Public Act No. 11-80). Therefore, the Council will grant the Petition for declaratory ruling that a Certificate of Environmental Compatibility and Public Need is not required for this project with the condition that site access, both for construction and for permanent use, utilize the existing driveway at #40 Grassy Hill Road.