



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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**VIA ELECTRONIC MAIL**

May 26, 2020

Lee D. Hoffman, Esq.  
Pullman & Comley LLP  
90 State House Square  
Hartford, CT 06103-3702

RE: **PETITION NO. 1385** – Cobb Road, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.95-megawatt AC solar photovoltaic electric generating facility on approximately 11.16 acres located at 20-1 Short Hills Road, Old Lyme, Connecticut and associated electrical interconnection. **Partial Development and Management Plan.**

Dear Attorney Hoffman:

At a public meeting of the Connecticut Siting Council (Council) held on May 21, 2020, the Council considered and approved the partial Development and Management (D&M) Plan submitted for this project on May 8, 2020.

The Council acknowledges that the recommended condition in the staff report to submit a copy of the DEEP General Permit was satisfied on May 20, 2020.

This approval applies only to the partial D&M Plan submitted on May 8, 2020 and supplemental data dated May 11, 2020 and May 20, 2020. Requests for any changes to the partial D&M Plan shall be approved by Council staff in accordance with Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b). Furthermore, the project developer is responsible for reporting requirements pursuant to RCSA §16-50j-62.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the Council's decision on the petition dated January 6, 2020 and in the partial D&M Plan dated May 8, 2020.

Enclosed is a copy of the staff report on this partial D&M Plan, dated May 21, 2020.

Thank you for your attention and cooperation.

Sincerely,

*s/Melanie A. Bachman*

Melanie A. Bachman  
Executive Director

MAB/MP/lm

Enclosure: Staff Report dated May 21, 2020



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**Petition No. 1385**  
**Cobb Road LLC**  
**Partial Development & Management Plan**  
**20-1 Short Hills Road, Old Lyme**  
**Staff Report**  
**May 21, 2020**

**Introduction**

On January 6, 2020, the Connecticut Siting Council (Council) issued a Declaratory Ruling to Cobb Road, LLC (CR), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance, and operation of an approximately 1.95 megawatt (MW) alternating current (AC) solar photovoltaic electric generating facility at 20-1 Short Hills Road, Old Lyme, Connecticut. In its Declaratory Ruling, the Council required CR to submit a Development and Management Plan (D&M Plan). On May 8, 2020, CR submitted the first phase of its D&M Plan (Partial D&M Plan) for this project. On May 11, 2020, the Council issued interrogatories to CR. CR submitted responses to the interrogatories on May 11, 2020.

**Project Site**

The project will be located on an approximately 120-acre parcel north of Short Hills Road in Old Lyme and located within the Rural Residence (RU80) zone. The site consists of primarily undeveloped land transected by an Eversource distribution right-of-way (ROW). A single-family residence and a small cabin are located in the northeastern and southeastern corners of the subject property, respectively. The site vicinity is rural with a mix of largely undeveloped land and sparse residential development.

The approved project includes one array of approximately 7,704 fixed solar modules of 390 Watts each to be installed within the north-central portion of the subject property.

**Partial D&M Plan**

In its Partial D&M Plan, CR seeks to perform all site clearing activities; civil work including, but not limited to, the construction of the gravel access drive; construction of stormwater management features for the site; and begin the establishment of vegetative cover at the site to allow vegetation to become established before construction of the posts, racking, modules, inverters, and the perimeter fence. Equipment installation would be included in a future phase of the D&M plan.

CR would implement the erosion and sedimentation control plans, consistent with the *2002 Connecticut Guidelines on Soil Erosion and Sediment Control*, as part of the Partial D&M Plan. CR has also included its Wetland and Vernal Pool Protection Plan as part of the Partial D&M Plan.

The proposed project disturbance area would total approximately 12.72 acres. The Partial D&M Plan has two phases of clearing and grubbing. Phase 1 of clearing and grubbing would involve approximately 3.54 acres of the northern portion of the site. Phase 2 of clearing and grubbing would involve about 7.45 acres in the southern portion of the site. All disturbed areas would be loamed and hydroseeded. This initial vegetative cover would also act as a temporary erosion control measure to stabilize the site prior to construction.

The solar array area would be seeded with New England Semi-Shade Grass and Forbs Mix. The pollinator habitat area located on the eastern and southern portions of the site (outside of the fenced area) would be seeded with a pollinator habitat mix known as New England Showy Wildflower Mix.

CR plans to allow 30 days for the vegetative cover to establish prior to additional construction activities. If temporary stabilization of the site has not occurred within that time, CR would determine whether it would use other temporary stabilization methods or whether it would allow for a longer period of time for the establishment of vegetative cover.

Pursuant to CGS Section 22a-430b, the Department of Energy and Environmental Protection (DEEP) retains final jurisdiction over stormwater management and administers permit programs to regulate stormwater pollution. DEEP regulations and guidelines set forth standards for erosion and sedimentation control, stormwater pollution control and best engineering practices.<sup>[1]</sup> The DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities (General Permit) requires implementation of a Stormwater Pollution Control Plan to prevent the movement of sediments off construction sites into nearby water bodies and to address the impacts of stormwater discharges from a project after construction is complete. The General Permit authorizes the discharge of stormwater at a site with a total disturbance of one or more acres of land area. A DEEP-issued General Permit for stormwater management is required prior to commencement of construction.

CR applied for its General Permit on January 31, 2020. The construction drawings in the Partial D&M Plan were modified to take into account comments received from DEEP during the permitting process. CR anticipates that it will receive its General Permit by May 20, 2020 and will submit a copy to the Council upon receipt. If CR does not receive its General Permit by that time, and if the Partial D&M Plan is approved by the Council, CR could not commence construction activities until the General Permit is submitted to the Council.

The final solar array layout, electrical interconnection details, equipment pads, fence, and other D&M Plan items will be submitted to the Council in a future D&M Plan phase. By proceeding with this phased approach, CR seeks to minimize any potential stormwater impacts associated with the project. If the future installation of posts, racking and other equipment disturbs the initial vegetative cover planted via the Partial D&M Plan, such areas would be re-seeded as part of the final post-construction seeding and/or otherwise stabilized in compliance with the General Permit.

Work hours would typically be 7:00 a.m. to 6:00 p.m., Monday through Saturday. If Sunday work hours are required, construction would occur between 9:00 a.m. to 5:00 p.m.

### **Recommendation**

If approved, staff recommends following condition:

1. A copy of the DEEP General Permit shall be submitted to the Council prior to commencement of any of the construction activities referenced in the May 8, 2020 Partial D&M Plan.

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<sup>[1]</sup> General Permit, DEEP-WPED-GP-015 (October 1, 2019), available at <https://portal.ct.gov/DEEP/Water-Regulating-and-Discharges/Stormwater/Construction-Stormwater-GP>