

**TORRINGTON SOLAR ONE, LLC**

**AND**

**VCP, LLC D/B/A VEROGY**

**PETITION FOR A DECLARATORY RULING THAT A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED IS NOT REQUIRED FOR THE  
CONSTRUCTION, OPERATION AND MAINTENANCE OF A  
1.975 MWAC SOLAR PHOTOVOLTAIC PROJECT OFF EAST  
PEARL ROAD IN TORRINGTON, CONNECTICUT**

**MAY 29, 2020**

**VEROGY**

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## **EXHIBITS**

Exhibit A – Detailed Project Development Plans

Exhibit B – Decommissioning Plan

Exhibit C – Public Outreach Information and Neighborhood Meeting Summary

Exhibit D – Abutting Property Owner List and Sample Notice Letter

Exhibit E – List of Municipal Officials and Government Agencies and Sample Notice Letter

Exhibit F – Operations and Maintenance Plan

Exhibit G – Environmental Assessment

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE: :  
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 :  
 A PETITION FOR A DECLARATORY RULING : PETITION NO. \_\_\_\_  
 THAT A CERTIFICATE OF :  
 ENVIRONMENTAL COMPATIBILITY AND :  
 PUBLIC NEED IS NOT REQUIRED FOR THE :  
 CONSTRUCTION, OPERATION AND :  
 MAINTENANCE OF A 1.975 MWAC SOLAR :  
 PHOTOVOLTAIC PROJECT OFF EAST PEARL :  
 ROAD IN TORRINGTON, CONNECTICUT : MAY 29, 2020

PETITION FOR A DECLARATORY RULING:  
INSTALLATION HAVING NO  
SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT

I. Introduction

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”), Torrington Solar One, LLC and VCP, LLC d/b/a Verogy (collectively “Verogy” or “Petitioner”) hereby petitions the Connecticut Siting Council (the “Siting Council”) for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required for the construction, maintenance and operation of a 1.975 megawatt (“MW”) alternate current (“AC”) ground-mounted solar photovoltaic (“PV”) facility off East Pearl Road in Torrington, Connecticut (the “Project”).

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

Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling . . . the construction or location of any . . . grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of the Department of Environmental Protection [and], (ii) the council does not find a substantial adverse environmental effect. . . .

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.

II. Petitioner

The Petitioner is a Connecticut limited liability company with an administrative office at 150 Trumbull Street, 4<sup>th</sup> Floor, Hartford, CT 06103.

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

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

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III. Project Description

The Project will be developed on an approximately 11.15-acre portion (the "Project Area") of a 66.4-acre parcel bounded on the north by East Pearl Road, on the west by Torrington Street, on the east by Harrison Road and on the south by agricultural and residential land fronting on Gaylord Lane in Torrington, Connecticut (the "Property"). The Property is owned by the Catholic Cemeteries Association of the Archdiocese of Hartford. The easterly portion of the

Property is developed and occupied by Saint Peters Cemetery and undeveloped woodland areas. The westerly portion of the Property is largely undeveloped and maintains a wooded wetland area, a vernal pool and intermittent watercourses. The central portion of the Property, including the Project Area, is currently used for agricultural and recreational purposes (Bishop Donnelly Field). The parcel slopes gently down from north to south and is surrounded by low density residential and agricultural land uses.

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 use.

Once the initial site evaluation was completed, the Petitioner assessed potential effects of the Project on the environment and sensitive site resources, including but not limited to scenic views and vistas, historic and archeological resources, wetlands, water quality and water resources, rare and endangered species and air quality. Prior to the commencement of this process, the Petitioner met with local officials in Torrington and New Hartford and discussed the Project with some of the closest adjacent residential property owners. As discussed in detail below, after this evaluation, the Petitioner determined that the Property was suitable for development of the Project and that the Project will provide a significant benefit to the public.

B. Project Description

The Project will consist of the installation of approximately 7,150 PV modules, sixteen (16) solar inverters, two (2) pad-mounted switch gears, two (2) transformers and two (2) interconnection points. 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. An access road will extend into the Project Area from East Pearl Road.

The Project Area will be surrounded by a chain link fence with black vinyl coating. In response to specific requests by municipal officials and several adjacent property owners to the north, the perimeter security fence along East Pearl Road and adjacent to the recreational fields to the northwest of the Project Area will be raised to a height of eight (8) feet and maintain black vinyl privacy slats. The security fence around the remaining portion of the Project Area will be six (6) feet tall. In addition to the privacy slat, the Petitioner will install a significant landscaped buffer along East Pearl Road to restrict views into the Project Area. The fence will be raised 6” above ground level in all locations to accommodate wildlife movement. A copy of the Project development plan illustrating the above-described attributes is included as Exhibit A.

The Project is expected to produce in excess of 3,559,609 Kilowatt-Hours (kWh) of energy in the first year of operation, enough energy to power 426 homes. Energy produced by the Project will be sold to Eversource at market rates specified in the applicable utility tariff with Eversource for any self-generation facility. Alternatively, in the event virtual net metering capacity becomes available, energy produced by the Project may be delivered to Eversource through the Virtual Net Metering Rider (effective September 24, 2019, by PURA Decision dated October 21, 2019, under Docket No. 13-08-14RE05) (“VNM Rider”) or any successor rider thereto. Any participation in the virtual net metering program would be subject to all VNM Rider

and other program requirements and is contingent upon the availability of virtual net metering capacity. The Project will have a design life of 35 years and efficiency loss of approximately 0.5% per year.

Construction of the Project is expected to begin in the third quarter of 2020 with mobilization of equipment and minor land clearing and grading efforts. Site work and land preparation is expected to be completed by November 10, 2020 with construction and installation of the solar arrays and equipment completed in December of 2020. Final site stabilization, testing, and commissioning is expected to be completed by December 31, 2020. The Project construction schedule is subject to change. At the end of its useful life, the Project will be decommissioned in accordance with the requirements of the Petitioner's land lease agreement and the Decommissioning and Restoration Plan attached hereto as Exhibit B.

C. Interconnection

Electrical interconnection for the Project will originate along Tarringford Street and extend approximately 720 feet to the east to the Project Area. (See Exhibit A). The proposed interconnection will require the installation of four (4) new distribution poles in an existing wetland area in the southwest portion of the Property. As discussed in further detail below, the impact of distribution pole installation on these wetland areas would be minimal. The Project will interconnect to the Connecticut Light and Power Company d/b/a Eversource Energy ("Eversource"), 23kV Greenwoods Road 44J3 circuit distribution system located on Tarringford Street.<sup>1</sup>

The interconnection facility design and construction will be performed in accordance with the Eversource Guidelines for Generator Interconnection and State of Connecticut, ISO-New

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<sup>1</sup> Eversource will be responsible for all necessary permits/approvals (if any) for this interconnection construction.



England (“ISO-NE”), and Federal Energy Regulatory Commission (“FERC”) requirements as applicable. As part of the interconnection process, the Petitioner has successfully completed a utility-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 a distributed level contribute to our Nation’s desire for energy independence and reduces our dependency upon foreign countries where geo-political issues may not align with National policy.

#### V. Local Outreach and Public Notice

In December of 2019, the Petitioner informed municipal officials in Torrington and New

Hartford of its plans to develop the Project<sup>2</sup>. Over the next six (6) months the Petitioner remained in regular contact with municipal officials keeping them apprised of the Project's progress and the permitting and development schedules.

In March of 2020, the Mayor of Torrington asked the Petitioner to reach out to the adjoining property owners along the north side of East Pearl Road, near the proposed site access driveway. The Petitioner met, via Zoom teleconference, with Christine and Michael Rosa, Tom and Carol Barron, Anne Ruwet and Jeanne Ruwet to discuss the Project. The primary concern raised by these residents was the potential visual impacts of the Project. As a result of these discussions and in an effort to address the neighbor's concerns for visual impacts, the Petitioner agreed to 1) increase the setback of the northern-most solar arrays from 50 feet to 70 feet; 2) increase the height of the perimeter fence along East Pearl Road from six (6) feet to eight (8) feet; 3) install privacy slats on the fence along East Pearl Road; 4) relocate the Project access driveway to the eastern edge of the Project Area; 5) reorient the access driveway to eliminate direct views into the Project Area; and 6) install a significant landscaped buffer along the northern fence line and between the fence and East Pearl Road to the west side of the access drive.

In April of 2020, the Petitioner began its formal public outreach effort to local residents, neighboring landowners and members of the greater Torrington and New Hartford communities. This public outreach effort included:

- 1) The launching of a Project-specific web site with detailed information on the Petitioner, the Project and the Project's development schedule.
- 2) The development and distribution of a Project Fact Sheet, Frequently Asked Questions (FAQs), and contact information for the Petitioner.

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<sup>2</sup> The Torrington-New Hartford town line runs along the easterly boundary of the Property and is within 2,500 feet of the Project Area.

- 3) The mailing of personal Notice Letters on April 21, 2020 to all abutting property owners, notifying them of the Petitioners plans to develop a solar generating facility at the Property. Information on the Project web site along with copies of the Project fact sheet and FAQs were included in the Notice Letter sent to the abutting landowners.
- 4) Continued outreach to municipal officials in Torrington and New Hartford through May 2020.
- 5) A presentation to the Torrington Planning and Zoning Commission on May 27, 2020 on the Project.

In addition to the actions described above and at the request of Torrington Mayor Carbone, the Petitioner also hosted two Virtual Public Information Meetings, one on May 18, 2020 and another on May 20, 2020. These meetings were attended by adjoining property owners along the north side of East Pearl Road. Included in Exhibit C are copies of Verogy's public outreach materials as well as a summary of the comments received and addressed throughout this process.

Pursuant to the requirements of R.C.S.A. § 16-50j-40(a), the Petitioner also provided notice of its intent to file this Petition to: (a) Catholic Cemeteries Association of the Archdiocese of Hartford, the owner of the Property; (b) each adjacent property owners listed on Exhibit D; and the municipal officials and government agencies listed on Exhibit E.

Although not required, prior to filing the Petition, the Petitioner, as a courtesy, also provided information about the Project to the Connecticut Department of Agriculture ("DoAG") and the Connecticut Department of Energy and Environmental Protection ("DEEP").

## VI. No Substantial Adverse Environmental Effects

Section 16-50k(a) of the General Statutes provides, in part, that a Certificate is not required if an electric generating facility meets the air and water quality standards of the DEEP and does not have a substantial adverse effect. The Petitioner and its consultant, All-Points Technology Corporation (“APT”), conducted a comprehensive Environmental Assessment (the “EA”) of the Project dated May 2020. As part of this process, relevant agencies were consulted, environmental impacts were evaluated, and mitigation was applied as appropriate. A complete copy of the EA is included in Exhibit G.

### A. Natural Environment and Ecological Balance

The Project Area is a cleared agricultural field. 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 throughout the Project Area to control stormwater runoff and meet equipment tolerances. Soil disturbance is also required to install foundations for the PV panels, associated equipment, and 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 are required to be used or stored on Site during construction or operation of the Project. Namely, gasoline or diesel-powered equipment will be in regular use during construction activities, requiring some on-Property fuel storage. Further, the inverter step-up transformers located at each equipment pad will use biodegradable oil for cooling. Accordingly, an appropriate Spill Prevention, Control, and Countermeasure (SPCC) plan will be

implemented and incorporated in to the Project's Operations and Maintenance ("O&M") Plan. (See Exhibit F).

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, one to two light-duty vehicles will visit the Site on a monthly recurring basis, on average. There will not be permanent staff present at the Project Area.

The Project will not produce significant noise during operation. During the construction of the Project, higher levels of noise are anticipated, however, all work be conducted during normal working hours. Verogy does not anticipate that the levels of noise will exceed State or local noise standards. (See Exhibit G, 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.

The Petitioner submitted the Project location to the Federal Aviation Administration's (FAA) Obstruction Evaluation Group and received Determinations of No Hazard to Air Navigation. Thus, the Project does not pose a hazard to air navigation and does not require further study. (See Exhibit G, Section 3.11).

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

#### 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 the Project construction activities will be minimized.

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 Ozone). 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 2,517 metric tons of CO<sub>2</sub> annually, the same amount of carbon sequestered by approximately 41,616 seedlings grown for ten years or

6,686,177 cars being taken off the road is anticipated.<sup>3</sup> (See Exhibit G, Section 3.5).

D. Scenic 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 Exhibit F, Section 3.8).

Views into the Project Area from the north, including the residences located on the north side of East Pearl Road will be obstructed by the proposed 8-foot security fence with vinyl privacy slats and a substantial landscaped buffer. The closest solar arrays will be set back approximately 70 feet from the northern Property boundary.<sup>4</sup> The Petitioner will also maintain the substantial natural vegetative buffer to the east, west and south of the Project Area. These natural areas will help to reduce the potential for scenic impacts of the Project. (See Exhibit A and Exhibit G, Appendix G – Viewshed Map and Photo-Simulations).

E. Historic and Archeological Resources

On behalf of the Petitioner, APT's consultant, Heritage Consultants, LLC ("Heritage") prepared Phase 1-A and Phase 1-B Cultural Resource Survey Reports for the Project. According to Heritage, the Property is located in the Tarringford Street Historic District. In addition, two State Register of Historic Places properties are located within one mile of the Project Area. (See Exhibit G, Section 3.7). The Project, however, will have no direct impact on either of these existing properties. Finally, on April 30, 2020, APT/Heritage, on behalf of the Petitioner, requested a review of the Project by the State Historic Preservation Officer (SHPO). A response from the SHPO is pending.

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<sup>3</sup> U.S. EPA Greenhouse Gas Equivalencies Calculator.

<sup>4</sup> The Petitioner made the decision to increase the setback of the solar arrays from 50 feet to 70 feet, relocate the site access driveway and install a more substantial landscaped buffer and screening fence along East Pearl Street after several meetings with the adjacent property owners to the north.

F. Habitat and Wildlife

Extensive field and habitat surveys were conducted to characterize potential special-status plants, wildlife and their associated habitat that may occur on the Property and, in turn be impacted by development of the Project. (See Exhibit G, Section 3.1).

1. Agricultural Field

A majority of the Project Area lies within Agricultural Field habitat. The Petitioner does not anticipate the Project will result in a significant alteration of the ground or agricultural soils in the Project Area and therefore will not result in a significant negative impact to the habitat.

2. Developed Areas

The Project will have no impact on existing developed portions of the Property. The Project Area is currently used only for agricultural purposes.

3. Mixed Hardwood Forest

The Project will not encroach into and will not impact any existing mixed hardwood forest habitat areas. No tree will need to be removed to develop the proposed solar generating facility.

4. Field Edges

Field edges occur on the Property along edges of the existing forested area. None of these areas will be impacted by the Project.

5. Wetlands

No wetlands or watercourses were identified in the Project Area. APT identified two (2) wetlands on the Property. These include:



- Wetland 1- a forested and agricultural field wetland habitat significantly disturbed by historic agriculture activity located to the west of the Project Area. Wetland 1 contains one vernal pool and one intermittent watercourse within the forested portion of the wetland area.
- Wetland 2 - a forested wetland to the south of the Project Area. Wetland 2 extends onto adjacent land to the south.  
  
A seasonal intermittent watercourse (man-made feature) was discovered near the northeast portion of the Project Area.

As discussed in more detail in the EA (Exhibit G, Section 3.3), the development and operation of the Project will not result in a significant negative impact to any of the wetland resources on the Property. Likewise, the Project will not have any direct impact to the vernal pool that APT identified in the northerly portion of Wetland 1. The Project will not encroach upon the Vernal Pool Envelope (that area within 100 feet of the vernal pool), and while resulting in an increase of development within the 750 feet Critical Terrestrial Habitat area, will not result in any adverse impact on the vernal pool. (See Exhibit G, Section 3.3.3).

#### 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 Property is located outside both the 100-year and 500-year floodplain, areas with a minimal risk for flooding, as designated by the Federal Emergency Management Agency (“FEMA”). Thus, no impacts on water quality or supply would occur with the construction or operation of the proposed Project. (See Exhibit G, Section 3.4).

#### H. Stormwater Management

The Project has been designed to meet the current draft of DEEP's Appendix I Stormwater Management at Solar Array Construction Projects requirement. No trees will need to be cut to prepare the Project Area for development. Increased stormwater runoff from the Project Area would be minimal. (See Exhibit G, Section 3.3.4).

#### VII. Conclusion

The Project will provide numerous and significant benefits to Torrington, the State of Connecticut and its citizens, and will place Torrington at the forefront of green energy development while producing substantial environmental benefits with minimal environmental impact. Pursuant to CGS §16-50k(a), the Siting Council shall approve by declaratory ruling the construction or location of a grid-side distributed resources project or facility with a capacity of not more than 65 MW, as long as such project meets DEEP air and water quality standards and will not have a substantial adverse environmental effect. As amply demonstrated in this Petition, the Project meets these criteria.

The Petitioner, therefore, respectfully requests that the Siting Council issue a declaratory ruling that the proposed Project will comply with DEEP air and water quality standards, will not have a substantial adverse environmental effect and, does not require the issuance of a Certificate by the Siting Council.

Respectfully submitted,

TORRINGTON SOLAR ONE, LLC AND  
VCP, LLC d/b/a VEROGY

By 

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