



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

April 28, 2021

Lee D. Hoffman, Esq.
Pullman & Comley
90 State House Square
Hartford, CT 06103-3702
lhoffman@pullcom.com

RE: **PETITION NO. 1415** – CF Boombridge, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 5.0-megawatt-AC solar photovoltaic electric generating facility on approximately 27 acres comprised of 3 abutting parcels located generally northeast of the intersection of Boom Bridge Road and Anthony Road and south of Interstate 95 in North Stonington, Connecticut and associated electrical interconnection.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated April 27, 2021 regarding activities outside the boundaries of the above-referenced solar facility site. Specifically, the property owner tilled approximately 2.78 acres of its land southwest of the approved solar facility site for agricultural purposes.

Under Regulations of Connecticut State Agencies §16-50j-2a(29), “site” means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right of way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located.

On October 9, 2020, the Council issued a Declaratory Ruling for the construction, maintenance and operation of the 5-megawatt solar electric generating facility and associated equipment on an approximately 27-acre site within an approximately 133-acre parcel owned by Lewis Brothers Partnership, et al. When the Council issued its Declaratory Ruling, the eastern spadefoot toad surveys were ongoing, and once the surveys were completed, the project developer was to submit a final report of the state-listed species results to DEEP. Condition No. 3 of the Council’s Declaratory Ruling required the project developer to “submit a copy of the final habitat report for state-listed vertebrate and plant species and any applicable DEEP-recommended protective/mitigation measures for state-listed species prior to commencement of construction.” The project developer complied with Condition No. 3 on October 23, 2020.

The Council did not order the establishment of a 7-acre conservation easement area within the jurisdictional boundaries of the approved solar facility site in its October 9, 2020 Declaratory Ruling. According to the map enclosed with your April 27, 2021 correspondence and Sheets C-X.1 and C-X.2 of the solar facility site plans (see attached), the subject conservation easement area is outside the boundaries of the approved site. The Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for any purpose, including, but not limited to, siting a facility or creating a conservation easement.

Pursuant to Condition No. 1 of the Council's Declaratory Ruling, should project changes be required within the solar facility site approved by the Council as a result of any agricultural or other legal activities conducted by the owner of the property, please submit a written request for the project changes.

Thank you for your attention and cooperation.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MB/MP

c: Council Members
Service List dated August 6, 2020

