



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

August 19, 2020

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

RE: **PETITION NO. 1421** - Bristol Solar One, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.25 megawatt AC solar photovoltaic generating facility located at 399 Hill Street, Bristol, Connecticut, and associated electrical interconnection.

Dear Attorney Hoffman:

The Connecticut Siting Council (Council) received correspondence from the Department of Agriculture (DoAG) dated August 17, 2020 and August 18, 2020 regarding the above-referenced petition for a declaratory ruling stating the proposed 3.25 megawatt solar photovoltaic electric generating facility will not materially affect the status of prime farmland in accordance with Connecticut General Statutes §16-50k.

The receipt of correspondence from DoAG renders the petition for a declaratory ruling complete and the Council will process the petition for a declaratory ruling in accordance with Regulations of Connecticut State Agencies Section 16-50j-40.

Thank you for your attention and cooperation.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/RDM/lm

c: William Herchel, Bristol Solar One, LLC
Bryan Fitzgerald, Bristol Solar One, LLC



STATE OF CONNECTICUT DEPARTMENT OF AGRICULTURE

Office of the Commissioner



Bryan P. Hurlburt
Commissioner

860-713-2501
www.CTGrown.gov

August 17, 2020

Melanie A. Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Verogy - Bristol Solar One, LLC, proposed 3.25 Megawatt AC solar project to be located at Minors Farm, 399 Hill St., Bristol

Dear Executive Director Bachman:

Pursuant to 16-50k(a) of the Connecticut General Statutes, we have reviewed the above cited project (as described in correspondence to the Department of Agriculture dated April 27, 2020, with respect to agricultural impacts.

The project site is approximately 28 acres, of which the solar project foot print is planned to contain approximately 10 acres of mapped prime farmland. The developers (Verogy) have stated that they intend to develop this project with a co-use of rotational sheep grazing on the site.

Through correspondence to the Department of Agriculture, dated July 20, 2020 (attached), Verogy has represented the following to the Department concerning their co-use plan:

- 1) Verogy will be contracting with Agrivoltaic Solutions LLC (AVS) to provide a flock of sheep to graze at Verogy's solar facility, and that the site will be stocked with sheep at a density determined by AVS to adequately manage the vegetative growth of grasses and forbs within the perimeter fence at the site;
- 2) The sheep flock will be delivered to the site during April/May 2021, after the project has completed construction. The exact date will be determined depending on site specific forage quantity and weather conditions. The site will be rotationally grazed with sheep until the conclusion of the growing season in the fall of 2021, estimated by the developers to be November 2021;
- 3) Verogy has also stated that the sheep will be managed and cared for, and stocking rate adjusted as necessary throughout the season by trained professionals. One of the farmers that Verogy is planning on working with (through AVS) is Joseph Cohen of East Windsor; and

- 4) Verogy intends to use a “combination” seed mix that will combine grasses and forbs that will address the nutritional needs of the sheep while also providing nectar for native pollinator species. The exact selection of the seed mix will be determined after Verogy consults with AVS concerning this issue.

I want to stress to the Siting Council there are certainly other considerations in a co-use such as this one which includes livestock. For example, developers, in partnership with the farmer, will need to consider how sheep will coexist with the solar panels, the site fencing, cable trays, etc. The developers will also be expected to provide the necessary infrastructure to accommodate housing, feeding, watering to support general herd management practices. Developers need to ensure there is an adequate plan for care and management of the sheep and training for anyone working at the site to ensure that both worker and animal welfare is effectively managed. It will also be necessary to ensure there is adequate signage/security in and around the site noting that live animals are grazing on the property.

Presently, the logistics and stipulations surrounding this project enable the agency to support this incorporation of agricultural co-use. Further, because successful implementation of this proposed co-use will keep production agriculture activities throughout this site, the Department of Agriculture can conclude that there does not appear to be a material impact on the status of prime farmland. The Department of Agriculture retains the ability to raise concerns and opposition in the future as detailed plans are provided by the developers.

If you have any questions, please feel free to contact either myself or Stephen Anderson of my staff. Steve can be reached at stephen.anderson@ct.gov, or at (860) 713-2592.

Sincerely,



Bryan P. Hurlburt
Commissioner

Cc: Katie Dykes, Commissioner, Department of Energy and Environmental Protection
Lee Hoffman, Pullman & Comley LLC

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July 20, 2020

VIA ELECTRONIC MAIL

Stephen Anderson
State of Connecticut Department of Agriculture
450 Columbus Blvd., Suite 701
Hartford, CT 06103

Re: Solar Energy Project Considerations, Minor Farm, 399 Hill Street Bristol, Connecticut - Plan for Co-use of Solar and Agriculture on Prime Farmland Soils

Dear Mr. Anderson:

I am writing on behalf of my client, Verogy, with respect to its proposed project to be located at address indicated above. I have enclosed a review of the property and the project, which we have previously submitted to you. It is submitted again solely for ease of review. Per our discussions on July 17, 2020, this letter will confirm that it is Verogy's intent to develop its solar project with a co-use of rotational of sheep on the site. Further details for this are provided below.

Verogy will be contracting with Lexie Hain and Lewis Fox of Agrivoltaic Solutions LLC (AVS) to provide a flock of sheep to graze at Verogy's solar facility located in Bristol, Connecticut. The site will be stocked with sheep at a density as determined by AVS adequate to manage the vegetative growth of grasses and forbs within the perimeter fence at the site.

Pursuant to our conversations with AVS, the sheep flock will be delivered to the site during April/May 2021 (after the project has completed construction). The exact date will be determined depending on site specific forage quantity and weather conditions. The site will be rotationally grazed with sheep until the conclusion of the growing season in the fall of 2021, estimated November 2021. The sheep will be managed and cared for, and stocking rate adjusted as necessary throughout the season by trained professionals. One of the farmers that Verogy is planning on working with (through AVS) is Joseph Cohen of East Windsor, however, other farmers may be utilized as needed, since Verogy is contemplating this type of use at other facilities it intends to construct.

Verogy intends to use a "combination" seed mix that will combine grasses and forbs that will address the nutritional needs of the sheep while also allowing for providing nectar for native

Page 2

pollinator species. The exact selection of the seed mix will be determined after Verogy consults with AVS concerning this issue.

There are several benefits associated with proceeding in this fashion. First and foremost, the site will remain in agricultural production. We also anticipate that the seed mix that is eventually selected will have a positive effect on soil fertility throughout the lifespan of the project, leaving the land more suitable for agriculture upon decommissioning. Finally, the pollinators in the area will find nutrition at the site, and they will be able to better pollinate area farms. Perhaps most importantly, this land will be preserved for the 25-30 years of the project, rather than being converted to single family homes, as so much of the land has been.

Accordingly, Verogy requests that the Department that provide a letter to the Siting Council indicating that if Verogy proceeds with its project in the fashion outlined above, it will not have an adverse impact on agriculture. Please let me know if this approach is acceptable to you as quickly as possible.

We look forward to working with the Department on this matter. Should you have any questions, please contact me at your convenience. Thank you in advance for your consideration.

Sincerely,


Lee D. Hoffman

Enclosure

Department of Agriculture: Solar Energy Project Considerations
Project: Bristol Solar One, LLC
Developer: Verogy

1. Farm / Property Information

- a. Farm owner(s), farm name and locations
 - i. Mark E. & Ann L. Minor, and Paul C. Minor
 - ii. Minors Farm
 - iii. 399 Hill Street Bristol, CT 06010
- b. Total acreage, identification of prime, statewide and or/ locally important farmland soils and acreage
 - i. 28 Acres total
 - ii. ~14 Acres Prime
 - iii. ~12 Acres Statewide Important
 - iv. ~2 acres neither
- c. Current production agriculture on the farm and the approximate location of crops, farm buildings, etc. used to support the farming operation
 - i. Current production: There is currently hay field on 3.53 acres with three existing farm buildings on the eastern portion of the site to support the farming operations. The farming operations have significantly curtailed at the site over the years as the Minor family has sought to scale back the operations.

2. Energy Project Information

- a. Describe the energy project
 - i. The energy project is a 3.25 MWac (4.57 MWdc) solar photovoltaic array consisting of 11,942 solar modules. Additional infrastructure needed to support the project include 26 string level inverters, driven post racking, DC string wiring, AC wire runs, transformers, switchgear, and metering equipment.
- b. Describe what the energy will be used for and how it will benefit the farming operation
 - i. The project is currently configured as an Agricultural Virtual Net Metering project that is in the Eversource Virtual Net Metering Queue.
- c. Are there future plans to increase energy capacity beyond what is proposed? If so, please describe these future plans, and any impacts the increase may have on prime farmland or the overall farming operation
 - i. No, there are no future plans to increase energy capacity at this site beyond what is currently proposed.

3. Agricultural Resource Impacts

- a. Describe any production agriculture currently being conducted within the footprint of the solar project;
 - i. There is currently no production agriculture currently being conducted within the footprint of the solar project. The hay field discussed above is currently being raised in the eastern portion of the site, and it will remain so after the project's construction. Thus, the project will not be anticipated to have an adverse impact on current production.
- b. Describe overall how the project will impact production agriculture currently being conducted on the farm; and
 - i. The project will not impact production agriculture currently being conducted on the farm; the project area is not actively farmed. The area outside of the project area is producing hay, and that haying will continue after the project is constructed.
- c. Provide a description of any plans by the farm owner(s) to foster production agriculture within or as a result of the development (e.g., grazing animals in and around the solar project, providing pollinator habitat)
 - i. The project developer / operator reserves the right to introduce a pollinator habitat within the project area.

4. Alternatives to Locating the Energy Project on Prime Farmland

- a. Provide a description of any alternatives considered by the farm owner(s) to developing the project on prime farmland soils (e.g., the option of selling agricultural development rights for the farm instead of developing for solar, or as a mitigation measure to reduce the size of the solar development);
 - i. The project developers discussed other potential land uses with the Minor family. Ideally, the Minors would like to keep the farm in their family, however, no family members currently wish to engage in farming. The Minors do not wish to encumber their property with restrictions on development rights, instead, they contemplated selling the property outright to a developer for purposes of residential development. This leasing arrangement allows the Minors to preserve the property for several decades, when a family member may wish to take up the mantle of agriculture at the site. If that does not happen, then the Minors will be free to sell the property.
- b. Describe any alternatives examined which might enable placement of some or all of the solar panels in locations other than on prime farmland (e.g., elsewhere on the property or on farm buildings); and
 - i. The farm building on site are not suitable for solar panels. Indeed, two barns were taken down recently due to safety concerns.
 - ii. Other parts of the property were avoided to reserve the ability to grow and harvest hay each year by local farmers / family members.

- c. Provide a description of any other form of mitigation considered by the farm owner(s) (e.g., farmland restoration, or a future commitment to preserve the farm)
 - i. The Minor's view the solar lease as a form of land preservation as the solar lease allows their family to retain ownership of the parcel and at the end of the lease, even provide the option of farming again. As discussed above, the Minors have considered selling the site for residential development, so this alternative is more protective of agricultural concerns.