

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE: :  
: :  
A PETITION FOR A DECLARATORY : PETITION NO. 1442  
RULING, PURSUANT TO CONNECTICUT :  
GENERAL STATUTES §4-176 AND §16-50K, :  
FOR THE PROPOSED CONSTRUCTION, :  
MAINTENANCE AND OPERATION OF A :  
19.8-MEGAWATT AC SOLAR :  
PHOTOVOLTAIC ELECTRIC GENERATING :  
FACILITY ON 6 CONTIGUOUS PARCELS :  
LOCATED BOTH EAST AND WEST OF :  
WILSON ROAD SOUTH OF THE :  
INTERSECTION WITH LITCHFIELD TOWN :  
FARM ROAD IN LITCHFIELD, :  
CONNECTICUT, AND BOTH EAST AND :  
WEST OF ROSSI ROAD, SOUTH OF THE :  
INTERSECTION WITH HIGHLAND AVENUE :  
IN TORRINGTON, CONNECTICUT, AND :  
ASSOCIATED ELECTRICAL :  
INTERCONNECTION. : JANUARY 5, 2022

**RESPONSES OF SR LITCHFIELD, LLC  
TO CONNECTICUT SITING COUNCIL PARTIAL D&M PLAN INTERROGATORIES**

On December 14, 2021, the Connecticut Siting Council (“Council”) issued Partial D&M Plan (Phase 1) Interrogatories to SR Litchfield, LLC (“Petitioner”), relating to Petition No. 1442. Below are Petitioner’s responses to the interrogatories.

Question No. 1

Has the Department of Energy and Environmental Protection Stormwater Program issued a Stormwater Permit for the proposed site? If not, has there been any consultation with the DEEP Stormwater program to determine if site layout modifications are necessary to accommodate the proposed stormwater management system? Would any such modifications

alter the proposed tree clearing plan?

Response

Petitioner is actively consulting with the DEEP Stormwater program representatives but the stormwater permit has not yet been issued. The stormwater permit cannot be issued until a Final NDDB Letter of Determination is received. The DEEP Stormwater program representatives have not, to date, mentioned anything about the need for any significant changes to the site layout. Based on these ongoing discussions, Petitioner does not anticipate the need to modify the proposed tree clearing plan described in the Partial D&M Plan Phase 1 submission.

Question No. 2

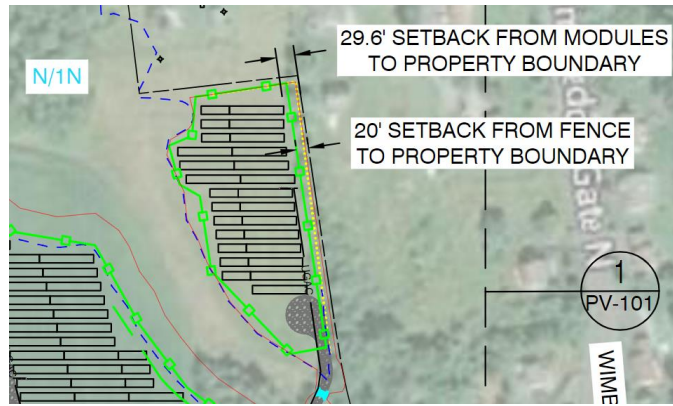
In its September 23, 2021 Decision, the Council required SRL to increase the setback to the property at 1119 Highland Avenue in Torrington (Declaratory Ruling Item 2a.) The submitted tree clearing plan (Site Plan C-301) shows that the Project limit of disturbance remains along the property line. Submit a revised plan that depicts a larger buffer to this property line and any additional clearing necessary to support the larger buffer.

Response

As shown on latest Proposed Layout Site Plan (**Attachment A**, attached hereto), the setbacks for the perimeter fence and the nearest solar modules were increased near the common property line with 1119 Highland Avenue. These are the only changes that were made to the Project's layout from the Preliminary Layout Site Plan approved by the Council.

The following chart summarizes these changes, as shown below:

	July 1 Plan (Approved)	January 4 Plan (Attachment A)
Fence to Property Line	10'	20'
Modules to Property Line	25'	29.5'



The limits of disturbance (“LOD”) have not changed in this area, because Petitioner intends to plant a vegetated buffer<sup>1</sup> within the area ten feet from the property line. This area has been used for agricultural purposes for several decades, thus no natural vegetation exists in this area. Petitioner has determined, based upon topography in this area, that locating a new vegetated buffer within the area ten feet from the property line will provide better screening for the abutting parcel than if this vegetated buffer is located more than ten feet from the property line.

Petitioner would also like to note for the Council’s benefit that according to the City of Torrington’s GIS, the structure on the property at 1119 Highland Avenue that is closest to the

<sup>1</sup> As Petitioner previously stated in its April 2, 2021 response to Council Interrogatory No. 54, “Landscaping will be of a species, age, and height to promote year-round screening. This typically consists of an arborvitae or holly variety, which can average fifteen feet (15’) to thirty feet (30’) at maturity, and will be planted in a staggered arrangement to create immediate screening of impacted viewsheds. Any trees that do not establish will be replaced.”

array is not a residence. This structure is a barn.

### Question No. 3

The tree clearing phasing plan, Section C, describes the installation of limited erosion and sedimentation controls. Submit a site plan that details what type of and where erosion controls will be established. How would such controls be established if the ground is frozen?

### Response

See **Attachment B** (Tree Clearing Plan Phase 1). The Tree Clearing Plan Phase 1 includes erosion and sediment control details that were also provided in Petitioner's Stormwater Pollution Control Plan (July 1, 2021) (C501 to C510). Petitioner will install silt fencing and further stabilize the disturbed areas with mulch (straw) and tackifier (a/k/a tack). Tackifier is used to bind and immobilize the mulch product that would be applied to a seeded area. Tackifiers protect seedbeds by holding the product to the soil surface and preventing movement.

Seeding can be conducted in semi-frozen conditions utilizing punch seeding. This method buries the seed in a hole created by a spike. This protects the seed from washing away. Petitioner's contractor, Miller Brothers, has utilized this method in the winter before. This method allows the seed to remain wet and germinate upon appropriate weather conditions. The mulch (straw) and tackifier together will help hold the straw mulch in place in the event of a ground-thaw or rain. While the ground is frozen, any soil movement will be minimal.

### Question No. 4

The tree clearing plan indicates stumps would be removed throughout the project area. Will erosion and sedimentation controls be established in all areas downgradient of grubbing operations?

### Response

Yes. *See* Attachment B.

Question No. 5

The Phasing narrative states erosion control will be prioritized along the east side of Area 4 due to downgradient wetlands/watercourses. Provide more information as to what additional erosion and sedimentation control measures would be used in this area.

Response

During the initial stage of tree clearing, silt fence will be installed and maintained along the eastern edge of the limit of disturbance. Once additional clearing is completed, the erosion and sedimentation control measures identified in the Tree Clearing Plan Phase 1 (Attachment B) will be installed and maintained.

During active site construction, Petitioner's contractor will monitor this area daily. During non-active periods, they will monitor on a monthly basis and immediately following any rain fall greater than one inch. Petitioner will notify DEEP within 24 hours of any issues of concern observed.

Question No. 6

Referring to Partial D&M Plan, Section I. d., what is the status of the DEEP NDDDB final determination letter? In addition to the two bat species, would tree clearing and/or site disturbance restrictions also be required for the other NDDDB-listed species that were identified on-site?

Response

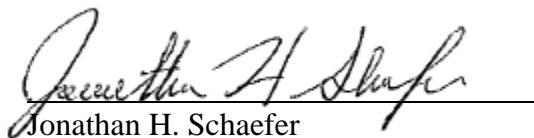
The Final NDDDB Determination Review Request submitted to DEEP on November 9, 2021, included the results of rare species surveys, proposed mitigation strategies and assurances that such mitigation measures will be properly implemented and monitored. DEEP

acknowledged receipt of this request on November 11, 2021 and is currently reviewing those materials. In addition to protection measures for red bat and hoary bat, protection measures during both construction and facility maintenance phases are provided for the following rare species: wood turtle, bobolink, savannah sparrow, and American kestrel. The protection measures recommended for these species follow protection plans that will be familiar to and have been approved by DEEP and the Council for similar projects in the past (*see* Petition Nos. 1345/1345A, 1424, and 1427).

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2022, a copy of the foregoing was sent,  
via electronic mail, to:

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