

VIA ELECTRONIC MAIL

June 24, 2021

Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051  
[siting.council@ct.gov](mailto:siting.council@ct.gov)

**RE: PETITION NO. 1443 - SR North Stonington, LLC**

**Dear Ms. Bachman and CT Siting Council Members,**

In addition to comments and questions previously submitted on behalf of the Planning and Zoning Commission of the Town of North Stonington, I would like to submit the following additional interrogatories ahead of the scheduled Evidentiary Session on July 8, 2021.

The following comments/questions relate to Petitioner's Response to the Siting Council's Interrogatories Specifically Questions 2 and 3 that pertained to the abutters' concerns and requested response to Town comments submitted to date.

**Additional comments and questions regarding Petitioner Response to Siting Council Interrogatories dated 5/10/2021**

**Public and Municipal Outreach**

**Petitioner Response to Siting Council Interrogatories dated 5/10/2021 Q2. Neighborhood concerns**

Q2 P3 of applicant's response to interrogatories, Robinson & Cole, 6/1/21; Design concerns and options: Petitioners indicate that they were "constrained in their options" to address the concerns with the original design due to variables out of their control. One of these variables was topography. What analysis was done to determine that the topography was such that re-grading or other site work was possible to eliminate the constraint to panel location. The Geotechnical Engineering Report submitted did not identify any constraints related to topography that could not be addressed – in fact it indicated that they understood there would be limited change to site grading.

The areas studied in the Geotechnical Engineering Report –per maps provided were all south of Rte. 184. How specifically did topography constrain the project design? Site grading is within the Petitioners control. Could areas of the site simply be regraded (via cuts and/or fills) to eliminate the design constraints? Was topography the "constraining factor" or actually the financial constraint caused by the presence of bedrock and the need to use alternate material and methods for panel installation per the Geotechnical Report?

Another constraint identified was the sensitive environmental resources located on the southern parcels in the gravel bank area. These buffers have been increased to the full 100ft buffer in the gravel bank area, yet there is still land available for panels. However, not all of the buffers were increased on the northern parcel or in the area of VP-E despite arguably even more sensitive areas

than were found in the disturbed gravel pit area. What is constraining the location of panels in the areas outside the 100ft buffers of the southern wetlands and watercourse areas?

Has a waiver from DEEP been requested to reduce the 100ft buffer to the proposed 50ft in Areas 1, 3 and 4?

The concern about increased wind impact to surrounding properties resulting from extensive removal of trees was not addressed. Trees certainly play a role in temperature and humidity and as they are used in landscape design for wind-breaks, I would assume they influence wind speeds. How will the removal of over 3,000 trees impact the temperature, humidity and wind speeds on the parcels and for abutting residential parcels. Will the removal of trees lead to increase tree-fall along the edge of clearing?

Q2 Pg 7 of applicant's response to interrogatories, Robinson & Cole, 6/1/21: You state in your response: "*Through the redesign efforts, the Petitioner has also ensured that the Project can comply with Appendix I – Stormwater Management at Solar Array Construction Projects of the Connecticut Department of Energy and Environmental Protection, permit for the Discharge of Stormwater and Dewatering Wastewater from Construction Activity to protect the vernal pools, wetlands, and critical terrestrial habitat on the Site.*" According to what expert and detailed in what report? Will a more detailed report be provided?

### **Petitioner Response to Siting Council Interrogatories dated 5/10/2021 Q 3: Response to Town of North Stonington Comments**

Q3 P8 of applicant's response to interrogatories, Robinson & Cole, 6/1/21: (a) Noise Impact and Concerns: What data was used to support the statement that "Trees are assumed to be acoustically transparent"?

Response to Q3 P9 of applicant's response to interrogatories, Robinson & Cole, 6/1/21: Visual Impact: Did the petitioner request permission to access private property (abutters) to assess the visual impact? If not, why not?

Concerns were raised about the visual impact of the panels and the fencing. In their March 25, 2021 comments, the town stated that *there was nothing submitted that detailed the depth of the buffer areas and the type of screening provided – only a mention of a tall fence topped with barbed wire – not the type of "aesthetically pleasing, year-round screening" the Town envisions*. No detail was provided in response to this comment. Why can't aesthetically pleasing landscaping be provided that would help protect the character of the residential neighborhood and be in keeping with the town regulations without causing shading for the panels?

We also raised the concern that clearing wooded areas and installing 43 acres of solar panels was not at all consistent with the general character of the neighborhood in which they will be located, and would not be considered *aesthetically pleasing* nor would such a project *enhance* or *maintain the rural New England character of North Stonington*. How is this being addressed?

Response to Q3 P14 of applicant's response to interrogatories, Robinson & Cole, 6/1/21: Was notice given to the Town and/or abutters when CEP filed the motion with PURA to amend the existing PPA to add the additional parcel north of Rte. 184. If so, when was it sent and to whom?

On pg. 3 of the Town Comments (3/25/21) The question regarding potential negative health impacts from overhead power lines was not addressed. Where are the overhead lines proposed?

With respect to Town comments submitted on 4/26/2021 and petitioner's responses provided related to their lack of knowledge about the original project as submitted to DEEP for award in 2016: My comments stemmed from the reference made in the Section 3.2 of the project narrative submitted, to the goals and policies established in the 2014 Integrated Resources Plan and the DEEP issued RFP under which "The Project" was selected. I noted that the Site Selection criteria described in Section 3.2 of the petitioner's project narrative identify Site Suitability and Congruence with Local Land Use as criteria that were evaluated in detail. My questions and comments assumed the petitioner's familiarity with the original project as it was referenced in their narrative and they use the term "the project" throughout the narrative without further clarification about which stage of "The Project" they are referring to and under which ownership. It is characterized as one project that has been revised along the way.

Again I would request a response to the following: The narrative stated that as a participant and awardee of the CT DEEP Small-Scale Clean Energy Request for Proposals under Public Act 15-107 § 1(b) and 1(c)2 and CGS § 16-50j, this Project is exempt from the requirements of CGS § 16-50k(a)(iii) as established through Public Act No. 17-218. First, which "Project" are they referring to (initial or modified project); and second, if it is the modified project, is it still exempt given the extreme departure from the original project location and proposal to reuse disturbed land?

The very next sentence states: "*Ultimately, five (5) parcels, totaling approximately one hundred fifty-seven (157) acres, were selected for the Project.*" Who evaluated and approved the use of additional parcels? What was the process to amend the original "Project" as described and presented in the 2016 RFP response upon which the award was based? Was there notice to the Town and opportunity for comment?

As I understand it based on a review of material available on the DEEP website, one of the goals of the initial 2016 program under which this (original) project location was selected was to minimize land impacts from utility-scale solar systems by siting them at lower-quality locations such as brownfields, abandoned gravel banks or areas of disturbed land. The reasoning being that those areas were typically already cleared of trees and not suitable for any residential use. The Geotechnical Engineering Report submitted by the petitioners indicated that though bedrock was present at shallow depths in some locations tested, it was still technically feasible to locate panels in these locations. Additional site prep, grading, filling, etc. would likely be required and a different method of drilling to place racking system would have to be used.

With that in mind, given the (1) large predominantly cleared, previously disturbed areas in the former gravel bank areas contiguous to the proposed western bank of panels and more than 100ft from any water/wetlands resource; (2) the conclusion of the Geotechnical Report that panel placement was technically feasible as summarized above; and (3) the absence of known species of concern (per initial negative NDDDB screening) and ESA "reduced ecological integrity" characterization, why aren't these areas being utilized for panel placement and thereby (1) reduce or eliminate the need for panels on the northern parcel; (2) provide the full 100ft buffer from all wetlands and watercourses on site; and (3) provide a minimum of 25ft landscape buffers to reduce

the visual impact caused by the incompatible land uses to abutters. The provision of these minimum buffer areas would be consistent with the Town regulations.

**Petitioner Response to Siting Council Interrogatories dated 5/10/2021 Q25 Environmental**

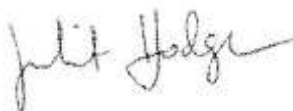
Q26 P24 of applicant's response to interrogatories, Robinson & Cole, 6/1/21: What specific design elements will be incorporated to minimize the potential stream crossing in Wetland Area A-2?

Response to Q33 P35 of applicant's response to interrogatories, Robinson & Cole, 6/1/21: In light of the aquifer protection zone, Can the applicant specify that there be no fuel storage on the site. It is typical in CT, where there are numerous on site fueling services that serve such construction sites on a daily basis.

**General comments questions re: Project Design and Environmental Concerns**

1. The town of North Stonington has a 100-foot upland review zone around inland wetlands, why isn't this being honored throughout the project? (Exhibit U Wetlands Habitat Report)
2. If the applicant's herpetologist finds that Eastern Spadefoot toad habitat is not a concern, the arrays should be moved away from the nearby residences and on the southern, disturbed portion of the site. (No report yet received)
3. In light of the presence of nearby private drinking water wells, can the applicant specify that herbicides and pesticides use will be preceded by well sampling and followed by monitoring for neighbors? (Exhibit M Integrated Vegetation Management Plan)
4. Why does the geotechnical study only encompass the land south of Route 184? Has the area north of Route 184 had a geotechnical study? (Attachment 15)
5. The Geotechnical Engineering Study (Attachment 15) mentions the application of fertilizers to raise the pH of the soils to reduce potential for corrosion of metal racking system components. How will run-off from treated areas be contained so as not to impact nearby wells?
6. How will the panels be cleaned? What chemicals are used and how often will they be cleaned?
7. If there is no history of Trespass on the Northern Parcel, why is a 6ft fence topped with barbed wire needed?

Respectfully submitted,



Juliet Hodge, Planning Development and Zoning Official