



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

March 30, 2021

Juliet Hodge
Planning, Development and Zoning Official
Town of North Stonington
40 Main Street
North Stonington, CT 06359
jhodge@northstoningtonct.gov

RE: **PETITION NO. 1443** - SR North Stonington, 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 9.9-megawatt AC solar photovoltaic electric generating facility on five parcels located north and south of Providence New London Turnpike (State Route 184), west of Boombridge Road and north of Interstate 95 in North Stonington, Connecticut, and associated electrical interconnection.

Dear Juliet Hodge:

The Connecticut Siting Council (Council) is in receipt of the Town of North Stonington's correspondence dated March 25, 2021, concerning the above-referenced petition. Thank you for taking the time to provide the Council with your comments.

This petition will be placed on a future Council meeting agenda for discussion and decision. Please note that you can view all of the documents related to this petition on our website at portal.ct.gov/csc under the "Pending Matters" link. You may also keep apprised of Council events on the website calendar and agenda.

Before reaching a final decision on a petition, the Council carefully considers all of the facts contained in the record that is developed by the Council, the petitioner, parties and intervenors to the petition, and all of the concerns received from members of the public who submit written statements to the Council.

Your comments shall become part of the official record in this matter in the form of a limited appearance defined under subsection (f) of Connecticut General Statutes §16-50n. Copies of your correspondence will be distributed to the petitioner and parties and intervenors to the petition.

Thank you for your interest and concern in this matter.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/MP/lm

c: Service List dated February 26, 2021
Council Members



Town of
North Stonington, CT

PLANNING AND ZONING

March 25, 2021

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051
siting.council@ct.gov

RE: Pending Petition 1443, SR North Stonington LLC

Dear Ms. Bachman and Siting Council Members:

I am writing on behalf of the Planning and Zoning Commission and Inland Wetland Commission Chairman to express concerns about Petition No. 1443 of SR North Stonington LLC for the 9.9MW Solar Energy Facility proposed off Providence New London Turnpike (Rte. 184) and Boom Bridge Road in North Stonington. My concerns are shared with many of the abutters and several other residents. I understand that the Town has no jurisdiction in these matters, but I sincerely ask that you give serious consideration to the following concerns raised and allot the Town additional time to review the material provided and do a thorough site walk.

I would first like to emphasize that the Town is not opposed to Solar Energy Facilities. One of the objectives in the Plan of Conservation and Development specifically states "encourage and permit green energy facilities." In 2017, the Town did not object to the 353-acre, 15MW Solar Energy Facility off Ella Wheeler Rd. as it was appropriately located in the Industrial Zone on a parcel that abutted the Highway and other vacant land. Just this year, a 27-acre, 5MW project was approved with no opposition by the Town off Boom Bridge Road, because potential the impact abutters was minimal. The project is small and appropriately located on land with no agricultural value, and bordered by the highway and other lands owned and occupied by Lessor. We have installed solar panels on all municipal buildings as well.

When the Town was first approached in 2016 about a possible solar project, only the southern parcels containing the former gravel pit (total of 97 acres) were identified as the "project area", and as such the proposal was met with little resistance because from the Town's perspective, the gravel pit area was considered well situated for such a use despite technically being in a Residential Zone.

This letter will focus primarily on the following concerns: noise impact caused by tree clearing, construction activities and the electrical components themselves; visual impact caused by tree clearing and presence of panels in a residential zone; and environmental concerns related to pollution, loss of habitat, tree-clearing and presence of significant wetlands and water bodies. Additional concerns related to consistency with the Plan of Conservation and Development and Zoning Regulations are also discussed below.

Noise Impact and Concerns

The proposed project area consists of five parcels in the R-60 Residential Zone. Adjoining properties and the surrounding area consists of residential homes, wooded land, and farmland. The four "southern" parcels

are located between Rte. 184 and I-95 and the remaining two parcels, added late to the project, are located north of the original parcels including 31-acres north of Rte. 184. Together these five parcels form a buffer from the noise (and sight) of I-95. The wooded, 31-acre parcel to the North also serves as a buffer between area residents and the animal boarding/grooming facility.

The stated purpose of the Noise Impact Assessment submitted was to *assess predicted environmental noise impact from the proposed operations on the surrounding environment, and to compare the predicted levels of the SR North Stonington Solar Project to the permissible noise level limits allowed by the Connecticut Department of Energy and Environmental Protection (CTDEEP) for residential areas.* Residents at 476 Norwich Westerly Rd. would be the most impacted with an anticipated noise level of 44.9 dBA. What was not clear in the report was whether the measurements from the electrical components of the solar facility factored in the loss of trees around the properties and natural noise buffer they currently provide. What would the readings be if there were no trees? Additionally, the report did not address at all what the noise impact from the I-95, RTE 184 and the animal boarding facility would be on the existing residential properties when the trees are removed and panels installed.

There will also be significant noise impact during the entire construction process caused by the logging, grubbing and grading work, trucks coming and going, and then the actual installation of the panels and associated electrical components etc. The narrative submitted stated that all work would be conducted during normal working hours but then stated these hours of operation would be Monday – Saturday from 7am to 7pm and Sundays too if necessary. These hours certainly extend past normal working hours and the construction noise and estimated 60-70 trucks coming and going from the site daily will impact all the abutting residents throughout the lengthy construction process and notably throughout the entire summer when people will want to enjoy some time outside.

The areas to be used for panels show clearing right up to abutting residential properties in some cases. This is not a remote industrially zoned location – particularly the 31-acre parcel to the north. The project area is right in the middle of a residential zone. Our regulations would have required a Special Permit to locate an industrial use such as this in a residential zone, and as such, would have required conformance to the Special Permit Criteria.

One of the Special Permit Criterial specifically deals with noise and appearance. It reads, *“To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove that the proposed uses and structures would be in harmony with the appropriate and orderly development of the zoning district in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons...”*

The solar project as currently proposed is certainly not in harmony with the surrounding residential neighborhood and would have a detrimental effect on quality of life and the appearance of the currently rural setting of the immediate vicinity. If the majority of the project were located in the former gravel bank area, it certainly would be more palatable as that area is more remote, has already been cleared, and is generally unsightly. I would add that the original proposal submitted and approved by DEEP in 2016 only involved the former gravel pit located on the 97-acres owned by Romanella at the time as one of the objectives of the program (under PA15-107 procurement) was to reuse brownfields.

Visual Impact

I noticed that because the 31-acre parcel to the north was not included in the original project area, that no renderings were provided showing the impact the clearing and panels would have looking north from Rte. 184. Additionally, no renderings showing the view of the panels from the closest residential properties were provided for any of the project area. The Site map submitted showing the location of panels and limits of clearing blurred out the actual location of the abutting existing homes. No plan showing the exact property lines and residential structures in relation to the panels and limits of clearing was submitted.

From what I can tell, in several locations, both in the northern and southern portions of the project area, the limit of disturbance extends right to the parcel line. Not providing a buffer between non-residential and

residential uses is in direct conflict with several Site Development Standards provided in the Zoning Regulations. Most notable are the following (*emphasis added*):

1101.2 Intent. The Site Design Requirements are intended to protect public health, safety, welfare, property values, and natural resources; to encourage site design and development that is efficient, effective and consistent with the general character of the community, neighborhood, and surrounding properties; to ensure aesthetically pleasing development and site design; and to enhance and maintain the rural New England character of North Stonington.

1103.4 Landscape Buffer Requirements. When a Site Plan or Special Permit application is submitted for the establishment of a new use, and the parcel is abutted either (1) by any Residential Zoning District or (2) by any existing use that would be allowable as of right or with Site Plan review in a Residential district, a landscaped buffer no less than 25 feet in width shall be provided along all such abutting portions of the perimeter. Such buffers shall be designed to provide appropriate screening to minimize any potential negative impacts of noise, light, dust, vibrations, hours of operation, and substantially dissimilar aesthetics. Due consideration should be given to the character of existing districts and uses in determining the density and intensity of techniques and materials needed to provide adequate, aesthetically pleasing, year-round screening.

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. We would further argue that clearing existing wooded areas and installing 43 acres of solar panels is 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.*

Finally, the narrative submitted stated that the interconnection facilities at the Site will consist of the installation of approximately three (3) fifty-foot (50’) tall poles with connecting spans of distribution line from the location where the feeder crosses State Route 184 to its termination at a riser pole near the Project fence line. I was only able to find one pole on the map. Where are these located? Are they visible from the road or abutting residences? Are there any potential negative health impacts from the overhead power lines?

Environmental Concerns

The entire project area is within the Water Supply Protection Overlay Area and contains numerous wetlands, vernal pools, mature forest, and several wildlife species of interest. The environmental reports submitted would suggest that not all areas were fully assessed.

Exhibit J – Phase I ESA section **7.1 Site Uses and Conditions states:** “*HDR was able to access a majority of the Project Area, but certain portions of the Northern Parcel and along the Project Area’s southern boundary were inaccessible due to heavy vegetation and surface water. In addition, various smaller areas throughout the Project Area were inaccessible due to vegetation.*”

Given this admission, we hope more time will be allotted to do a thorough assessment of all the inaccessible areas to determine the ecological impact of the project and the suitability of panel location. It should also be noted that any environmental evaluations performed within the past year or two should take into consideration that we have been experiencing drought conditions and the water table is typically approximately 16 inches higher.

Project Area Detail map (Figure 2 Section 2) omits the streams mentioned in the report and known to be on the property(s). Not all water bodies are shown on this map either. Two of the streams on the property discharge into the Lewis Pond and then into the Pawcatuck River which is within the Wood-Pawcatuck Watershed and one of the recently classified Wild and Scenic Rivers. This classification is based in part on water-quality, and the presence of one or more Outstandingly Remarkable Values. It is the extensive wetlands in the region that provide protection of the water quality both in the tributaries and in the main-stems of the Wood and Pawcatuck rivers. The Wild and Scenic Classification is a source of pride for the

Town and there is certainly community support for continued protection of the town's abundant wetlands so that we may continue to protect this excellent water quality.

Buffers: In keeping with the desire to protect valuable natural resources, the Town regulations require a 100ft buffer from wetlands for planned activity. Given the number of vernal pools and substantial amount of significant wetlands and watercourses located throughout the entire 157-acre site, it is not likely that the proposed 25ft buffer would provide adequate protection at all for these valuable natural resources. When you factor in the possible use of chemicals (as directed by DEEP) to control noxious weeds on top of the land clearing etc. the need for a much greater buffer area becomes necessary. The impact to the northern parcel is of particular concern with respect to the impact to the natural wetlands and vernal pool that per the plans submitted, will only be protected by a 25ft buffer. Additionally, land clearing is shown within the proposed 100ft buffer of the vernal pool which will have a significant impact on the habitat surrounding the pool that has been undisturbed all these years. Typically, a much greater buffer would be required around vernal pools and the existing wetlands.

The ESA report speaks of the site's reduced ecological integrity in the southern portion given its location between a major highway (I-95) and another major secondary road (Rt. 184). These roads, according to the report "fragment the landscape, limiting dispersal and genetic exchange, for both plants and fauna, and have hampered natural recolonization of areas disturbed by farming and by the sand and gravel excavation." Given this observation, would it not make more sense to locate the panels in this area rather than in the currently and historically healthy natural habitats that exist in the northern 31-acre parcel?

During the limited site walk conducted on 3/23/2021, two members of the Conservation Commission and the Chairman of the Inland Wetlands Commission explored the Romanella gravel pit area shown in yellow on the map. It appears this was the original project area considered. Excavation of the gravel pit in the 1960's created many man made "pools" or holes which are now considered "natural vernal pools" 60 years later. In particular, the two "vernal pools" labeled N and M are shown to have a 100' buffer around them (presumably required by DEEP). The Commission members described these vernal pools as "sad looking" and were clearly disturbed during the gravel operation and now stand isolated all these years surrounded by stone, mud and open gravel. They further stated that they may well have none of the flora and fauna surrounding the pool necessary to allow species, such as the spotted salamander, to mate and lay eggs etc. They feel that the preservation of the large acreage on the north outweighs the preservation of these two questionable pools. Additionally, they felt that there was a significant number of more valuable "vernal pools" immediately west of this site with flora that provides habitat for fauna.

I urge the applicants and Siting Council members to consider relocating some if not all of the panels proposed for the parcel north of Rte. 184 to the gravel pit area as originally planned. This would necessitate a waiver granted by DEEP to reduce the required buffer from 100ft down to 25ft around pools M & N to allow more panels to be located in this area.

The narrative noted that an eastern spadefoot toad survey is scheduled for May 2021. This toad has historically been found in several areas of town particularly near the streams and rivers. Its presence in the 120-acre Solar Project off Ella Wheeler road caused that project to be significantly re-configured. Will the Town get a second opportunity to comment should the spadefoot toad be found, and the layout of the project modified?

The Integrated Vegetation Management Plan very briefly outlines the plan to control weeds/vegetation in the areas covered by panels. North Stonington is certainly more of a cattle and horse town verses one known for its herds of sheep. It was unclear if a "rancher" had been identified locally who was willing to provide the sheep needed to control the weeds. Would the sheep still be able to graze if chemicals were needed at some point to control noxious weeds? Who will be responsible for administering the "and providing reports? Are there examples of the "ecological health monitoring program" reports or program details that could be provided?

With respect to hazardous material, many studies indicate that there are hazardous materials contained within the solar panels themselves, including Cadmium and Lead. If panels are destroyed during an extreme

weather event, it is in fact possible that these substances could leach into the ground. As mentioned before, the property is squarely within our Water Supply Protection Overlay Area and contains water bodies that eventually discharge into the Pawcatuck River. Extreme weather events are becoming more and more frequent and do include tornadoes and hurricanes in this area. The Town would like to know exactly what substances are contained within the panels.

The narrative also mentions that some hazardous substances are required to be used or stored on Site during construction and/or operation of the Project, including gasoline and diesel-powered equipment. This is only permitted conditionally in the WSPOA and would require review and a spill prevention plan.

General Issues: User Questionnaire Phase I Environmental Site Assessment ASTM Practice E1527-13 states that type of property in the project area is “AG Land.” I would strongly disagree. It is vacant residential land and a former gravel pit.

Archaeological Assessment: The assessment would indicate the potential for archaeological resources or sensitivity in several areas within the full 157-acre project area. For example: the report states: “Although very limited professional surveys have been conducted along the margins of Bell Cedar Swamp to the north-northwest of the Project, Pre-Contact Period land use patterns in the surrounding area suggest this setting would likely have been a focal area of settlement for people living in the area, particularly during the Paleo Indian through Middle Archaic periods....The North Stonington Solar project area encompasses or is near several environmental settings that would have been favorable for pre-contact settlements or encampments. It is expected that intact, level, and well-drained portions of the project area could contain assemblages of lithic debitage and stone tools associated with Native American occupations similar to those previously identified along tributaries and wetlands of the Pawcatuck and Shunock River drainages.”

The old Rte. 184 runs right through the 31-acre parcel to the north and connects to Stillman Rd. The roadbed is hundreds of years old and is defined by beautiful, fully intact stone walls and is certainly part of the history of the Town that is worth preserving. It does not appear that a full archeological investigation was done along this roadbed although it was identified as a sensitive area.

The area that encompasses the former gravel pit is the one area not identified as archaeologically sensitive, yet that is precisely the area not utilized for panel location. Panels are instead located in the sensitive areas identified to the north of the gravel pit area.

In summary, the project as proposed would NOT meet any of the Special Permit Criteria (listed below) that would have been used should the project have come before Planning and Zoning, with, perhaps the exception of Criteria B.

- A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 11, and that the standards for approval of any accompanying Site Plan application have been met; *(Several of the Site development standards, particularly dealing with buffering are not met)*
- B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
- C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the zoning district in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons; *(The project as proposed would certainly have an adverse impact with respect to noise and visual disturbance and were this a non-siting Council governed solar project, it would most likely have been denied as proposed.)*
- D. that no adverse effect would result to the character of the district, property values, or historic features of the immediate neighborhood; *(This is a proposed large-scale industrial use in a residential district that will undoubtedly effect the overall character of the residential neighborhood as proposed.)*

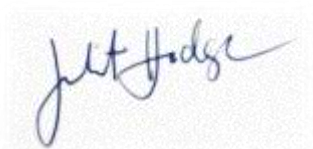
- E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use and architectural design; *(Same as D above)*
- F. In accordance with CGS § 22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; *(The reports provided do not provide enough information to make this determination. Rationale for the inadequate buffers to the wetlands on the different parcels has not been provided. Without adequate protection of the wetlands, the water quality of the (Wild and Scenic) Pawcatuck River and the aquifer below the Water Supply Protection Overlay Area, are in potential jeopardy.)*
- G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the North Stonington Plan of Conservation and Development. *(While the POCD does discuss green energy favorably, it was not envisioned that such a large-scale project would occur in the Residential Zones or result in the destruction of existing natural habitat as is proposed with this project.)*

I would respectfully request that at the very least, due consideration be given to relocating the panels shown on the 31-acre parcel to areas within the four parcels south of Rte. 184, as well as the provision of additional screening between the project area and abutting residential properties to eliminate the visual, noise and environmental impact that would most certainly occur should the project be approved as presented. I would urge this relocation despite the presence of the vernal pools identified as M & N in the old gravel bank. These were man made and the habitat surrounding the vernal pools is certainly not pristine nor conducive to supporting the typical fauna found. Additionally, adequate buffers around the wetlands and watercourses, as well as prohibiting the use of chemicals for weed control are essential for a project of this scale especially given the project location within the Water Supply Protection area and the Wood-Pawcatuck Watershed.

It is my understanding that the Town can submit comments up until April 26, 2021. Additional comments may be submitted once further site investigation is completed by a soil scientist (to be selected). The Fire Department or Fire Marshal may also submit a letter as well.

Thank you for the opportunity to comment on this petition. Should you or any member of the Siting Council have any questions, please do not hesitate to contact me.

Sincerely,



Juliet Hodge
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Town of North Stonington
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860-535-2877 x 127