



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL

April 27, 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 your correspondence dated April 26, 2021, concerning the above-referenced petition. Thank you for taking the time to provide the Council with your comments.

At a public meeting held on April 22, 2021, the Council voted to hold a remote public hearing via Zoom Conferencing on June 8, 2021 for the benefit of the public.

Pursuant to Regulations of Connecticut State Agencies §16-50j-40, a copy of the petition is to be submitted to each member of the legislature in whose assembly or senate district the facility is to be located for review. Before reaching a final decision on a petition, the Council carefully considers all of the facts contained in the evidentiary record that is developed by the Council, the petitioner, parties and intervenors in the proceeding and all of the concerns received from members of the public who speak at the public hearing or submit written statements to the Council.

In the event that the Town of North Stonington does not seek formal party or intervenor status under Connecticut General Statutes §16-50n, which provides full participation at the public hearing, including, but not limited to, cross examination of witnesses, parties and intervenors, your comments shall nevertheless become part of the official record in this proceeding in the form of a limited appearance defined under subsection (f) of Connecticut General Statutes §16-50n.

Therefore, copies of your correspondence will be distributed to all participants in the proceeding and will be administratively noticed in the record. Please note that you can view all of the documents related to this proceeding 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.

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

Land Use Department

40 Main Street, North Stonington, CT 06359

April 26, 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:

In addition to the comments previously submitted on behalf of the Planning and Zoning Commission and Chairman of the Inland Wetlands Commission of the Town of North Stonington on 3/25/2021, I would like to provide additional comments regarding the origin and subsequent modifications to the SR North Stonington project as it is currently being presented for CT Siting Council approval under Petition 1443.

In the project narrative submitted by Silicon Ranch dated February 25, 2021, several statements stood out and prompted further investigation into the origin and prior review of this particular Solar Energy project.

Section 3.1: Project History & 3.2 Site Selection: The narrative regarding the Project History indicated that the DEEP conducted an RFP in 2016 under the authority granted to it under PA 15-107 to solicit proposals for Class I renewable energy sources, Class III sources, passive demand response, and energy storage systems, and that 25 companies had been selected.¹ The narrative continues to Section 3.2: Site Selection, without even naming the company that was actually selected by the DEEP. Neither Section describes the original proposal. When I researched the names of the projects/companies selected, I noted that the North Stonington project selected was a 9.9 MW facility under the name “North Stonington Solar Plant + Park Project, NS Solar Plant I Facility (Connecticut Energy Parks, LLC)”

The original company, Connecticut Energy Parks, LLC (“CEP, LLC”) boasted a healthy portfolio of projects in New England, and proposed to *“develop a selected Project site in a practical and attractive manner by leveraging and re-using existing site conditions in a Town supportive of the project, and currently using solar panels on municipal buildings.”* **“(emphasis added)”**

I think it is important to point out that location of the original “project” initially selected by the DEEP in 2016, was comprised only of the roughly 97 acres owned by Mr. Romanella most of which was used as a gravel pit until the 1960’s. It has remained unused ever since. CEP, LLC proposed to “re-purpose” this unused site to provide clean energy to the community as well as design a park on the property for additional battery storage and recreational opportunities.

¹ The DEEP Presentation at the March 24, 2016 Bidder’s Conference contained a slide labeled “Land Use requirements” which included the following: “DEEP encourages the reuse and redevelopment of existing sites, including landfills and brownfields.”

What really stood out in the project overview provided by the bidder (CEP, LLC) in their RFP response were the following statements:

“There are several benefits to reusing the proposed lands. The proposed site offers *excellent* technical and project attributes to ensure timely Project execution. In other words, the Project site requires no costly upgrades and modifications to accommodate the solar generation plant.” (emphasis added)

“The Project also involves the productive reuse of previously unused land.”

“The bidder intends to work with the Town to make the park area an attractive micro grid area with recreational trails (existing condition) to leverage the excellent tourist economic the region enjoys.”

Several other promises and mistaken or misleading claims followed. CES, LLC claimed the “area” was not in an aquifer zone – it is. It sits on top of a significant aquifer, and is clearly identified on the Zoning map as being within our Water Supply Protection Overlay Area.

CES, LLC claimed to have a strong working relationship with the Town, yet there is no record on file anywhere of material or communication provided. They mentioned meeting with the Selectman and Highway Foreman and receiving letters from two residents in the vicinity of the “project.”

They stated there were no related Zoning Regulations to the Solar Use, yet we did have regulations in place for solar energy facilities – the same that are in place today. They claimed the Site was zoned R-40 (Residential, 1-acre zoning) and that it is “properly zoned and permitted.” The site was/is Zoned R-60 (1.5acr zoning) and Solar Energy Facilities required (and still do) a Special Permit Approval in that Zone.

The bidder anticipated *no adverse impact* to the “area” and identified relevant evaluation criteria used to make this determination as “siting, historic, road and environmental items.” (unclear what that actually means) The Environmental Assessment Criteria were more extensive and included site impacts, transportation infrastructure, air and water quality, noise, impacts to natural and cultural resources, and prior use of the “site.” Again, a statement was made that no adverse impact was anticipated.

The bidder essentially stated that given its remote location near the highway, in a disturbed, unused gravel pit with existing access roads and no significant water resources, the solar project would have minimal impact.

To be clear, the initial “Project” site only included the former gravel bank area adjacent to the Highway with access off of Cranberry Bog Rd. and Boombridge Road. When CEP, LLC used the words “Project” or “these areas,” they were referring the 97± acres owned by Romanella (the *southern 3 parcels* out of the 5 parcels identified in the current project area and subject of Petition 1443).

None of the above history was provided in the current project narrative. Instead, Section 3.2 of the Project Narrative, SR North Stonington continues with a list of Site Selection Criteria they used to determine site suitability for the project which include (of note) suitable grade and topography and congruence with local land use. It is again unclear if these selection criteria were applied to the initial or current project site. SR North Stonington identifies Renewable Ventures LLC as the then owner of the “project” and the company that selected the “preferred site” after completing their initial evaluation and preliminary due diligence. CES, LLC, had already sold out.

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 RFP response upon which the DEEP based its decision? Was there notice to the Town and opportunity for comment? Adding

almost 60 acres of untouched woodland (almost all of which to be cleared) surrounded by single-family homes just to fit enough panels so that the project is financially viable, seems to fly in the face of the original intent of the 2016 DEEP solicitation and actual CES, LLC proposal to “reuse a previously disturbed site.” Perhaps a smaller project could be considered and located on the original “site?”

In the remaining sections of the SR North Stonington narrative, the word “site” refers to all 5 parcels and 157 acres, and the term “Project” is no longer the same “Project” alluded to in the project history section. This is misleading as the project history provided in section 3.1 conveniently omits the fact that the entire 9.9W solar energy facility and park was proposed on the 97-acre gravel bank parcels and was deemed “technically feasible.” That was the project selected by the DEEP. For Silicon Ranch to use the term “Project” to refer to both the original “Project” AND the current modified Project, with absolutely no explanation, is incredibly misleading.

The narrative continues with: “*The use of this Site for a solar array represents a ...favorable low-impact industrial development of the land.*” I would respectfully disagree. The only (limited) positive response was for the CES, LLC project *as proposed in 2016-17*. The Town does not generally permit or favor the placement of industrial uses on residential land.

This section (Property Description) of the Narrative incredulously continues with the following statement.

“Based on the favorable nature and condition of the Site, the Project was awarded to Renewable Ventures, LLC from the DEEP RFP process in 2016. Silicon Ranch Corporation acquired the Project from Renewable Ventures, LLC in 2017. Given the DEEP RFP award at this Site and the favorable diligence completed over the last four years, the Petitioner has found no reason to consider alternative locations for the Project.” (emphasis added)

Each use of the word “Site” or “Project” by Silicon Ranch in this paragraph” is referring to the original previously disturbed, gravel bank “site” and the original “Project.” Of course there was no reason for Silicon Ranch to consider alternative locations, they had already been considered and the panels needed for the current “Project” had already been shifted into those new locations. That paragraph is just plain deceptive. If in 2016, in the opinion of the bidder (CES, LLC) and DEEP, the initial 9.9MW “Project” was technically feasible on the 97 acres, which had all the same water bodies, vernal pools and wetlands it has now, why is it no longer feasible today?

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? Given the extent of natural resources on the entire 157 acres, particularly on the 60 acres that were added after Renewable Ventures did their “due diligence,” isn’t further evaluation warranted?

As I stated briefly in the initial comments I submitted to the Siting Council, the Town is not against Solar Energy Facilities. That said, we also do not feel every location is appropriate given the rural and historic character of town, proliferation of wetlands and farmland, and other natural and cultural resources. We currently have (and support) two other Solar Energy Projects under the CT Siting Council jurisdiction, one of which is 15MW and located on 350+ acres, much of which is farmland (Initially Pawcatuck

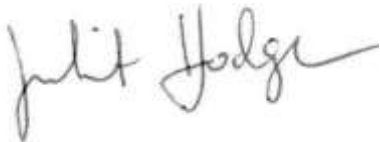
Solar/Coronal Energy Petition 1345a).² We did not oppose this project as it was appropriately located in the Industrial Zone, and the other project is smaller and located on the non-tillable portion of land on the Lewis Farm and only impacts the owner himself.

Silicon Ranch pointed out that there are mechanisms in the PPAs to allow the Petitioner to reduce the system size of the Project, though they did not consider this because any reduction in size would make the current project no longer financially viable. The Town welcomes the opportunity to locate a solar energy facility or energy storage system on the original “site,” the size of which to be determined by the amount of suitable land in the 97-acre disturbed area.

North Stonington cherishes its rural character and abundant unspoiled farm and forest land, scenic roads and vistas. The Town has supported numerous green energy initiatives. There are solar panels on all municipal buildings, we support the two active solar projects currently being constructed. The Planning and Zoning Commission also approved another small Solar Energy Facility at 89 Providence New London Turnpike that has yet to be constructed.

Will we continue to be the target site for large solar projects in the name of “public need” chiefly because we have been successful at remaining rural and thus have a lot of large tracts of vacant land? Our Plan of Conservation and Development clearly acknowledges the conflict between growing the Grand List and preserving our rural character. Our Zoning regulations actually encourage and enable new, potentially intensive development but only in our Economic Development District, Resort Commercial District and Industrial Zones. Our intentional approach to zoning has allowed us to attract private investment and direct it to appropriate areas and consequently ensure the continued preservation of the rural landscape that defines this town.

Respectfully submitted,



Juliet Hodge
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² When the DEEP chose the 25 Projects in 2017, they effectively awarded 2 large projects for North Stonington, though incorrectly labeled the Pawcatuck Solar Project as being located in the Town of Stonington.