



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

December 17, 2021

Jesse A. Langer, Esq.
Updike, Kelly & Spellacy, PC
8 Frontage Road
East Haven, CT 06512
jlanger@uks.com

RE: **PETITION NO. 1444** - CP NB Solar I, LLC and CP NB Solar II, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1-megawatt AC solar photovoltaic electric generating facility and a 0.97-megawatt AC solar photovoltaic electric generating facility located at 127 Forest Road in North Branford, Connecticut, and associated electrical interconnection. **Revised Partial Development and Management Plan.**

Dear Attorney Langer:

At a public meeting of the Connecticut Siting Council (Council) held on December 16, 2021, the Council considered and approved the Revised Partial Development and Management (D&M) Plan submitted for this project on November 24, 2021.

This approval applies only to the Revised Partial D&M Plan submitted on November 24, 2021. Requests for any changes to the Revised Partial D&M Plan shall be approved by Council staff in accordance with Regulations of Connecticut State Agencies (RCSA) §16-50j-62(b).

The project developer is responsible for compliance with the reporting requirements under RCSA 16-50j-62, including:

1. Contact information for the contractor assigned to the project;
2. Notification of commencement of construction;
3. Quarterly construction progress reports;
4. Notification of completion of construction and commencement of operation; and
5. Final report.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the Council's declaratory ruling dated June 4, 2021, in the Partial D&M Plan dated October 8, 2021 and in the Revised Partial D&M Plan dated November 24, 2021.

Enclosed is a copy of the staff report on this Revised Partial D&M Plan, dated December 16, 2021.

Thank you for your attention and cooperation.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/RDM/lm

Enclosure: Staff Report, dated December 16, 2021



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Petition No. 1444

**CP NB Solar I, LLC and CP NB Solar II, LLC
127 Forest Road, North Branford, Connecticut**

Revised Partial Development & Management Plan¹

Staff Report

December 16, 2021

Introduction

On June 4, 2021, the Connecticut Siting Council (Council) issued a Declaratory Ruling to CP NB Solar I, LLC and CP NB Solar II, LLC, owned by Altus Power Inc. (Altus), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 1-megawatt AC solar photovoltaic electric generating facility and a 0.97-megawatt AC solar photovoltaic electric generating facility located at 127 Forest Road in North Branford, Connecticut, and associated electrical interconnection (Project). In its Declaratory Ruling, the Council required Altus to submit a Partial Development and Management Plan (D&M Plan).

The Project consists of a solar facility on an approximate 10-acre site located on a 19.86-acre parcel located west of Forest Road in North Branford. The Project is located within an open field in the central portion of the property.

On October 8, 2021, Altus submitted the Partial D&M Plan for this project to the Council, the Town of North Branford (Town) and the property owner for this project.

During a meeting held on November 18, 2021, the Council denied the Partial D&M Plan on the bases that it was not in compliance with the Council's June 4, 2021 Declaratory Ruling Condition 4(b) to modify fence lines/limits of disturbance to increase property line setbacks, if feasible and Declaratory Ruling Condition 4(d) to provide complete contact information within the Spill Prevention, Control and Countermeasure Plan. The Council recommended that further information be provided in a revised Partial D&M Plan that conforms to the Council's June 4, 2021 Declaratory Ruling.

Revised Partial D&M Plan

On November 26, 2021 Altus submitted additional information pertaining to Declaratory Ruling Condition 4(b) and Condition 4(d) as a revised Partial D&M Plan. The revised information is included in the Partial D&M Plan Conditions section below.

The partial D&M Plan included a letter from the Town dated November 24, 2021, in support of the current Project layout. Altus worked with the Town, with input from abutting landowners during virtual information meetings, to create an optimal project footprint on under-utilized property while minimizing on-site environmental effects. The Town supports the Project as revenues would be directed to remediate an abutting property and the open areas of the Project site would be planted with sunflowers as part of the Town's Pollinator Pathway Program.

¹ Under Regulations of Connecticut State Agencies (RCSA) §16-50j-60, the Council may require the preparation of a full *or* *partial* D&M Plan for proposed energy facilities. Reference to the elements of the Partial D&M Plan for this Project is under Condition No. 4 of the Council's June 4, 2021 Declaratory Ruling rather than to the elements of a full D&M Plan under RCSA §16-50j-61 to §16-50j-62.

Partial D&M Plan Conditions

The Declaratory Ruling required the following information to be included in the Partial D&M Plan:

4a. a revised site plan to clearly show parcel subdivisions identified in the court Stipulated Judgment with DEEP;

A site plan was provided that illustrates the abutting parcel to the west (127 Forest Road Rear) was subdivided from the 127 Forest Road parcel in accordance with a Stipulated Judgment with DEEP due to the potential presence of solid waste. The property subdivision occurred before the petition was filed with the Council. No Project work would occur on the 127 Forest Road Rear parcel.

In addition to the parcel subdivision site plan, the final site plan has been revised to include a permanent stormwater basin in northwest portion of the site and a permanent, stabilized soil stockpile adjacent to the basin in order to leave excavated material permanently on site. The initial site plan specified a temporary sediment basin in this location; however, the site plan revision specifies that the temporary basin would be cleaned and converted to a three-foot deep vegetated water quality basin upon completion of the Project.

4b. modification of fence lines/limits of disturbance to increase property line setbacks, if feasible;

Altus reviewed the Project design and determined the fence limits could not be adjusted without a negative impact on Project output and related obligations under Virtual Net Metering (VNM) and Low Emissions Renewable Energy Certificate (LREC) agreements.

Specifically, Altus examined the following options;

- a) ***Reducing the Fence Line*** - This option is not feasible as it would marginally reduce the setbacks to the east property line. Additionally, there would not be enough space along the outer solar array aisles for emergency vehicles as required by the CT State Fire Prevention Code, Section 11.12.3 - Ground Mounted Photovoltaic System Installations.
- b) ***Shifting the Fence Line and Modules East*** - This option is not feasible as it includes moving the Project closer to Forest Road (Route 22). During the initial design phase of the Project, the Town requested that the Project be located as far as possible from Forest Road.
- c) ***Shifting the Fence Line and Modules West*** - This option is not feasible as it would encroach upon a 100-foot wetland buffer.
- d) ***Shifting the Fence Line North to South*** - This option is not feasible as it would narrow the vegetated aisles between panel rows and result in project shading.
- e) ***Utilizing Larger Capacity Modules*** - This option is not feasible as Project infrastructure would have to be revised, including a new, engineered racking system. Altus is not sure if larger capacity modules that pass a Toxicity Characteristic Leaching Procedure test would be readily available due to global supply shortages and shipping issues.

Due to the infeasibility of increasing setbacks to abutting property lines, Altus propose a landscape plan which includes evergreen plantings and sunflowers to mitigate views of the facility.

4c. final landscaping plan;

The landscape plan includes 52 junipers along the east fence line, facing Forest Road, and 14 junipers in the northwest corner of the site to screen views from an abutting property. The junipers will be spaced 10 feet apart. The fence along the east, north, and northwest corner will include black privacy slats. Additionally, sunflowers would be planted around the site as part of the Town of North Branford's Sunflower Project. The solar facility is included in the Town's current Sunflower Project brochure.

4d. a revised Spill Prevention, Control and Countermeasure Plan that includes complete contact information; and

A Spill Prevention, Control and Countermeasure Plan has been provided on the site plans (Plan Sheet GN-2) that includes fuel spill prevention and mitigation measures as well as contact information/procedures to notify State and local agencies and the Regional Water Authority. On November 26, 2021, Altus provided complete contact information as part of the revised Partial D&M Plan.

4e. a revised Toxicity Characteristic Leaching Procedure Assessment report that is specific to the selected solar panel model and employs testing protocol that represents the composition of the entire module.

The results of A new Toxicity Characteristic Leaching Procedure (TCLP) test have been provided that indicate the solar panels to be installed at the site would not be characterized as hazardous waste at the time of disposal, under current regulatory criteria.

In its June 4, 2021 Declaratory Ruling, the Council recommended that Altus consult with The United Illuminating Company (UI) to reduce the visual impact of the riser/meter poles required for the Project interconnection. Altus and UI have agreed to install 4 poles instead of 5 poles to facilitate the interconnection and to space the 4 poles along the access road rather than install them in a field area as was originally proposed. Additionally, one of the project inverters was relocated to a more interior portion of the site and would connect to the riser pole located inside the perimeter fence via an underground conduit. The facility solar panel layout was revised to include two 0.985 MW sections instead of one 1.0 MW and one 0.97 MW sections, and minor adjustments were made to the perimeter and central access aisles.